

**THE CONSTITUTION OF
NORTHERN IRELAND**

PART II

**THE GOVERNMENT OF IRELAND ACT, 1920
AND SUBSEQUENT ENACTMENTS**

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THE CONSTITUTION OF NORTHERN IRELAND

BY

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PART II

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PREFACE

THE purpose of Part I of this work was to explain the character and tendencies of the Constitution of Northern Ireland, by recording the course of events both before and shortly after the passing of the Government of Ireland Act, 1920, the steps by which the Constitution was brought into operation in its existing form, and the manner of its working in the initial years.

The present volume sets forth, with annotations, the actual text of the constitutional enactments, namely, the Act of 1920, the Irish Free State (Agreement) Act, 1922, the Irish Free State (Consequential Provisions) Act, 1922, the Ireland (Confirmation of Agreement) Act, 1925, and the Northern Ireland (Miscellaneous Provisions) Acts of 1928 and 1932. The enactments amending the Act of 1920 are by no means of minor importance. In particular, the statutes of 1922 and 1925 should be carefully studied, as they accomplished the transition from the original project contained in the Act of 1920 to the Constitution of Northern Ireland as it exists to-day. This transition has been picturesquely described in the following words: "The political architects planned two wings (a northern and a southern), upon which they meant to balance certain central features to lend prospective unity to the design. Two years later the southern wing was cut away, bringing down with it the central structure."

Within the powers conferred upon the Parliament of Northern Ireland by the Acts above mentioned,

that Parliament has itself passed a series of measures for working out the details of the constitutional scheme, and the more important of these are set out in this volume. In response to a suggestion received from various quarters, there have also been included the Orders made by His Majesty in Council for bringing the Act of 1920 into operation, and for adapting previous enactments so as to make them conform with the provisions of that Act.

The text of the Government of Ireland Act, 1920, is based upon the text which appears in Volume XXIV of the Statutes Revised, second edition, subject to some minor variations which are explained in the notes. Repealed portions are set out in Appendix B, if relevant to the purpose of the work.

The various enactments of the United Kingdom Parliament and Statutory Rules and Orders of the Government of the United Kingdom are reproduced with the permission of the Controller of His Majesty's Stationery Office, London.

The author wishes to express his gratitude to all who have helped him by giving information or advice, and particularly to his colleague, Mr. Maurice S. Macauley, barrister-at-law, Assistant Parliamentary Draftsman, for invaluable assistance in preparing the Tables and reading proofs.

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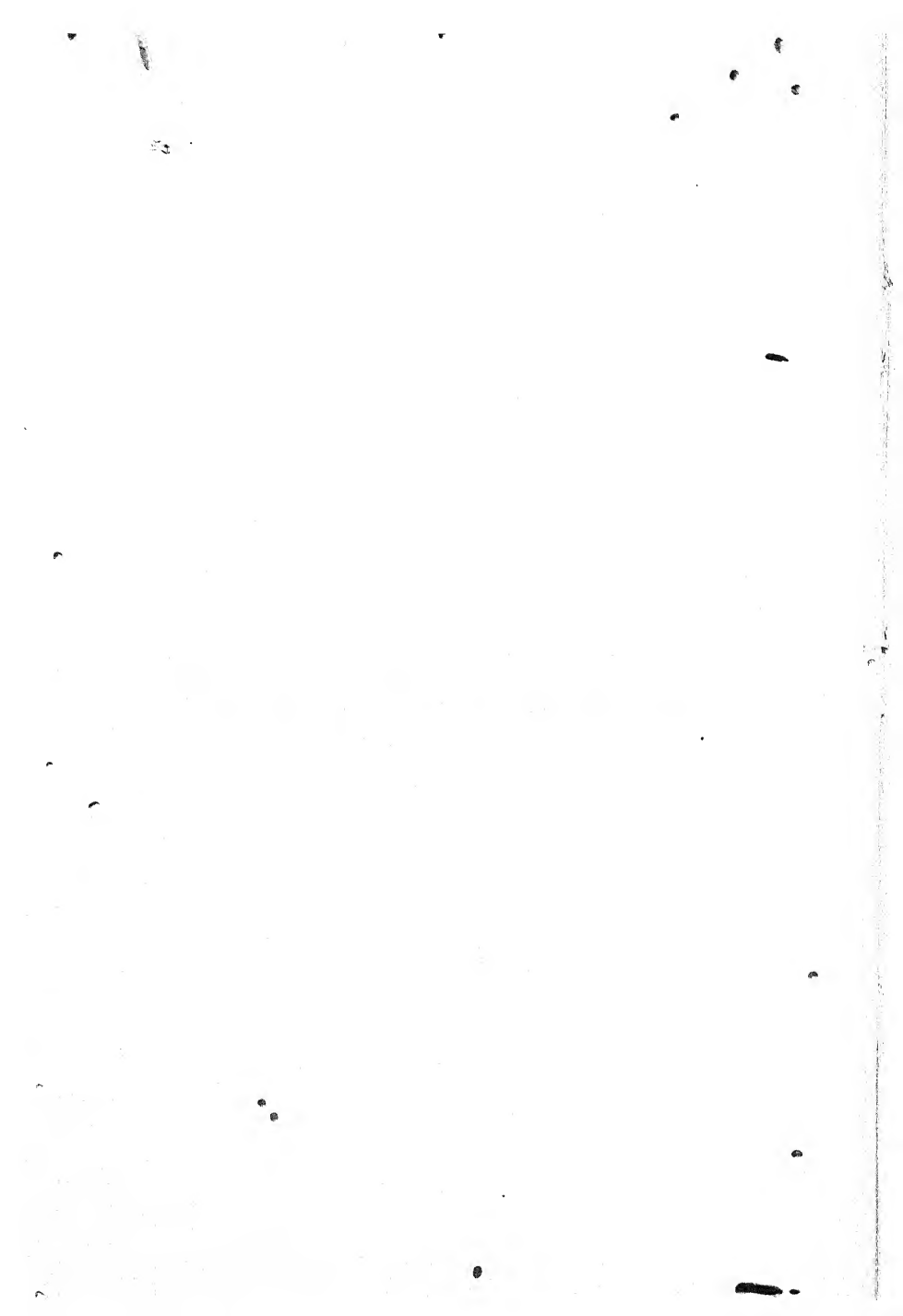


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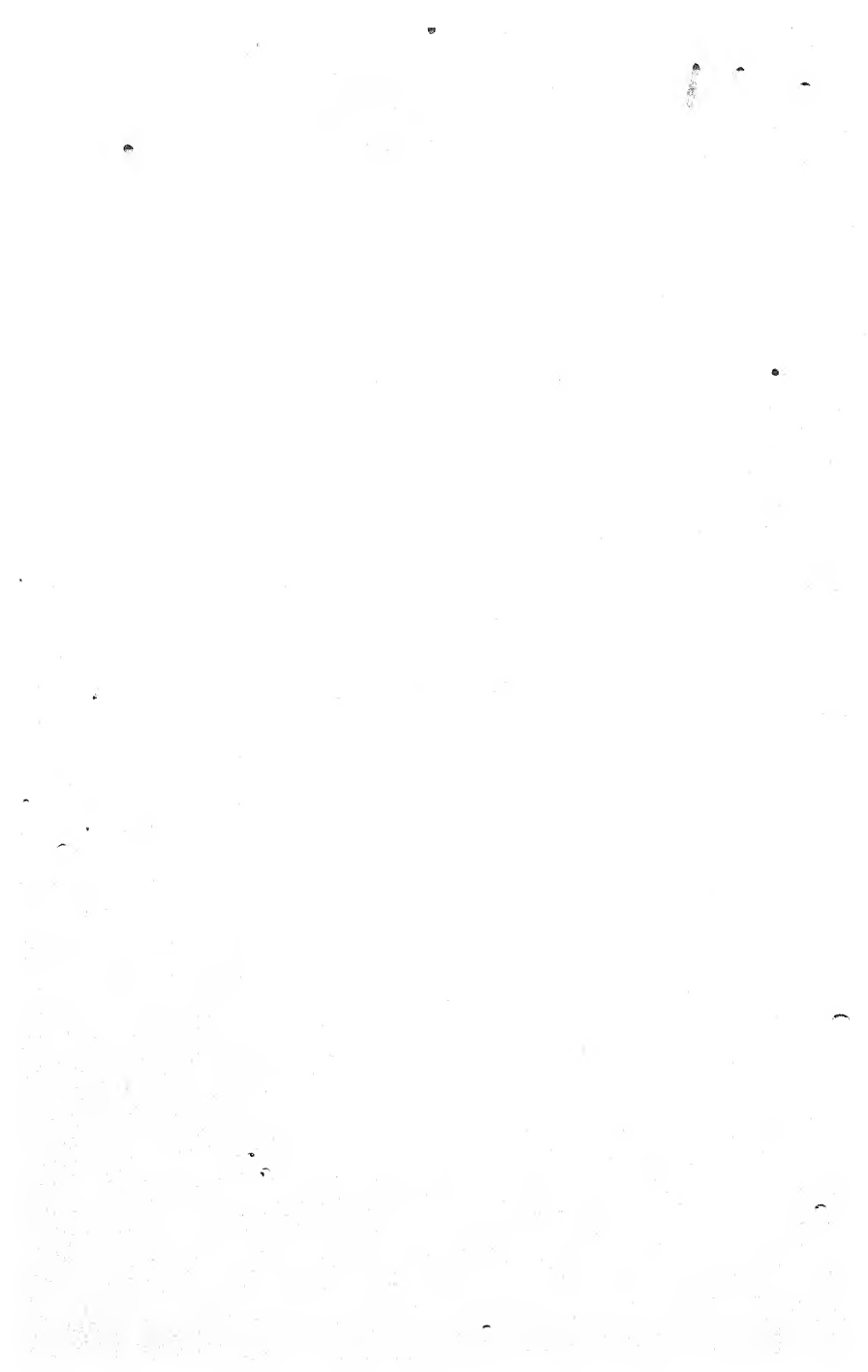
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THE CONSTITUTION OF NORTHERN IRELAND

PART II

CHAPTER I

THE GOVERNMENT OF IRELAND ACT, 1920. 10 & 11 Geo. 5, Ch. 67.

AN ACT to provide for the better Government of
Ireland. [23rd December, 1920.]

ESTABLISHMENT OF PARLIAMENT FOR NORTHERN IRELAND.

1.—(1) On and after the appointed day^[1] there shall be established for Northern Ireland a Parliament to be called the Parliament of Northern Ireland, consisting of His Majesty, the Senate of Northern Ireland, and the House of Commons of Northern Ireland.

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Establish-
ment of
Parliament
of Northern
Ireland.

(2) For the purposes of this Act, Northern Ireland shall consist of the parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyrone, and the parliamentary boroughs of Belfast and Londonderry.^[2]

[1] The 3rd May, 1921, was fixed for this purpose of the Act—S. R. & O. 1921, No. 533. The Parliament of Northern Ireland was brought into being as follows:—

(a) *Proclamation.*—On 4th May, 1921, the Lord Lieutenant of Ireland issued under the Great Seal of Ireland a proclamation reciting that “His Majesty” is desirous and resolved to meet His People of Northern Ireland and to have their advice in Parliament,” and continuing thus:

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“Now I, the Right Honourable Edmund Bernard, Viscount FitzAlan of Derwent, Lieutenant General and General Governor of Ireland, do hereby make known to all His Majesty’s loving subjects His Royal Will and Pleasure to call a Parliament of Northern Ireland, and do further declare that I have given order that the Chancellor of that part of the United Kingdom called Ireland do upon notice thereof forthwith issue writs in His Majesty’s Name under the Great Seal of Ireland, in due form and according to law, for calling a Parliament of Northern Ireland to meet at the City of Belfast on Tuesday the 7th day of June next.

“And I do hereby also by this proclamation require writs forthwith to be issued under the Great Seal of Ireland accordingly, to the said Chancellor, for causing the Senators and Commons who are to serve in the said Parliament to be duly returned to and give their attendance in His Majesty’s said Parliament on Tuesday the 7th day of June next, which writs are to be returnable in due course of law.”

(b) *Election of Members of House of Commons.*—Nominations took place on 13th May, and the polls, in the case of contested seats, on 24th May, 1921.

(c) *Election of Senators.*—The two ex-officio Senators, *i.e.*, the Lord Mayor of Belfast and the Mayor of Londonderry, were summoned by writ to attend the meeting of Parliament on 7th June. The twenty-four elective members of the Senate were elected by the House of Commons, under regulations made by the Speaker of that House after his appointment on 7th June.

(d) *First Meeting of Parliament.*—Pursuant to the proclamation, the first meeting took place on 7th June, 1921, in the City Hall, Belfast, when, after the reading of the proclamation, the Lord Lieutenant commanded the Commons to elect and present their Speaker. This meeting must, it is submitted, be taken to have been a meeting of each House, although the Senate was represented only by one member, the Lord Mayor of Belfast; the twenty-four elective members were not yet in being, pending their election by the House of Commons. The Senate met as a House on 20th June, after this election.

The chief business on 7th June was the election of the

Speaker of the House of Commons, and the taking of **Sect. 1** the oath by the members.

(e) *Formal Opening of Parliament by His Majesty.*—On 22nd June the Senate met for the formal opening of Parliament by the King in person, accompanied by the Queen. The King being seated on the Throne, and the Commons being at the Bar with their Speaker, His Majesty delivered a most gracious message to both Houses, and then retired.

(f) *Declaration of Causes of calling the Parliament.*—On 23rd June, 1921, the Senate met again, when, the Commons being at the Bar with their Speaker, the Lord Lieutenant read the Speech from the Throne, outlining, according to precedent, the Government's programme of work for the session.

(g) *Legislative and Financial Business.*—On 23rd June, 1921, both Houses adjourned until 20th September following, when ordinary business was taken up. Pending the provision of permanent accommodation, the Parliament held its sittings at the Assembly's College, Belfast, until 7th June, 1932. As to the Parliamentary Buildings at Stormont, see note [13] to s. 8 below.

For details of procedure at the first meetings, see also Part I of this work, pp. 17-21.

[2] (a) The Irish Free State (Agreement) Act, 1922 (see Chapter II, p. 163), gave the force of law to "certain Articles of Agreement for a Treaty between Great Britain and Ireland," article 12 of which contained a proviso for the determination of the boundary of Northern Ireland by a special Commission; this determination never became operative, and by virtue of the Ireland (Confirmation of Agreement) Act, 1925 (see Chapter IV, p. 231), Northern Ireland consists of the area specified in s. 1 (2) of the Government of Ireland Act, 1920.

(b) "the parliamentary counties . . ." The Redistribution of Seats Act, 1885 (48 & 49 Vict., c. 23), s. 9 (1), provided that "each of the counties at large named in the Seventh Schedule to this Act shall return the number of members in that behalf named in the said schedule; and for the purpose of returning such members, if more than one, shall be divided into the same number of

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divisions as the number of members. . . .” The Seventh Schedule to this Act of 1885 is headed “Counties at Large,” and Part III (relating to Ireland) sets out the names of the Irish counties, including the six counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyrone, and also the names and contents of the divisions of each of those counties. S. 23 of the same Act provides (amongst other matters) that “where a parish, townland, or other place with a definite boundary, whether larger or smaller than a parish or townland, is situate in a county . . . divided into parliamentary divisions, and such parish, townland, or other place is not, in the schedules to this Act, included in any of the parliamentary divisions of the county . . . in which it is situate, such parish, townland, or place shall be considered as included in that one of those parliamentary divisions which it adjoins, or, if it adjoins more than one of such divisions, then in that one of the said divisions with which it has the longest common boundary.” These provisions of the Act of 1885 are still material to the understanding of what is meant by “parliamentary counties”; but in order to ascertain the precise extent of those areas *at the Appointed Day* (i.e., 3rd May, 1921), certain later enactments must be considered.

The Local Government (Ireland) Act, 1898 (61 & 62 Vict., c. 37), created “administrative counties” for purposes of local government, based, subject to alterations to be made by orders, upon each county as bounded at the passing of that Act for the purposes of the grand jury; but neither the Act, nor the alterations made by orders, were to alter the limits of any “parliamentary county” within the meaning of the Act of 1885 (see ss. 68 and 69 of the Act of 1898). The creation of “administrative counties” is, however, material to the next following enactment.

The Redistribution of Seats (Ireland) Act, 1918, made (in the 1885 arrangement of parliamentary counties) certain changes, which were in operation on the 3rd May, 1921, viz.:—

The parliamentary county of Down became the same as the administrative county;

The parliamentary county of Tyrone became the same as the administrative county;

Consequently a small part of the former parliamentary county of Down was added to Antrim, and a small part of the former parliamentary county of Armagh was added to Down. **Sect. 1**

The effect of the various enactments and orders is that the "parliamentary counties" assigned to Northern Ireland are co-terminous with the administrative counties, with certain minor exceptions which do not affect the land frontier between Northern Ireland and the Irish Free State.

(c) "parliamentary boroughs . . ." No part of the boundaries of either of these areas formed part of the land frontier of Northern Ireland, but the statutory authority for their contents may be conveniently noted here:—

Belfast: By the Redistribution of Seats (Ireland) Act, 1918, s. 2 (1) and 2nd Sched., Pt. I, the parliamentary borough of Belfast was made to consist of "the county borough of Belfast"; that is to say, the municipal borough or city, as defined in the Belfast Corporation Act, 1896 (59 & 60 Vict., c. ccxvi.), which area was constituted a county borough by s. 21 of the Local Government (Ireland) Act, 1898. [For the parliamentary borough prior to 1918, see the superseded enactments of 2 & 3 Will. 4, c. 89, and 48 & 49 Vict., c. 23.]

Londonderry: The area assigned to Northern Ireland under the name of the "parliamentary borough of Londonderry" no longer exists as a separate area for returning members of Parliament, either to Westminster or to Belfast. The Government of Ireland Act, 1920, ss. 14 and 19 and 5th Sched., created a new county constituency of Londonderry for both Parliaments, and included the borough of Londonderry in that county. This county constituency now returns one member to Westminster; but, by 19 Geo. 5, c. 5 (N.I.), there was created for elections to the Northern Ireland Parliament a new parliamentary borough consisting of "the county borough of Londonderry," together with certain adjoining parts of the rural district of Londonderry, and divided into two divisions, each returning one member. For the contents and constitution of the county borough of Londonderry, see 3 & 4 Vict., c. 108, s. 20 and Sched. (C); 27 & 28 Vict., c. xcxi., s. 5; 59 & 60 Vict., c. ccxlix., ss. 14, 15; and 61 & 62 Vict., c. 37, s. 21. [The "parliamentary borough" referred

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to in the Government of Ireland Act, 1920, was co-terminous with the municipal borough, by the effect of the last-quoted enactments taken with 2 & 3 Will. 4, c. 89, and 31 & 32 Vict., c. 49, s. 9.]

(d) *Maps, etc.* For maps showing boundaries, see the Ordnance Survey maps, now under the supervision of the Ministry of Agriculture for N.I., and depending for their authority upon 35 & 36 Vict., c. 48, and the enactments therein mentioned (esp. 17 & 18 Vict., c. 17). For statistics, see the Census of Northern Ireland, 1926, and the Ulster Year Book, published by authority of the Minister of Finance.

(e) *Jurisdiction.* "To the territory of a State belong not only the land within the State boundaries, but also the so-called territorial waters. They consist of the rivers, canals, and lakes which water the land, and, in the case of a State with a sea-coast, of the maritime belt and certain gulfs, bays, and straits of the sea." *Oppenheim: International Law*, 4th edition, vol. 1, p. 367. "The territorial waters are as much inseparable appurtenances of the land as are the territorial subsoil and atmosphere. Only pieces of land together with the appurtenant territorial waters are alienable parts of territory." *Ibid.*, p. 370. "The maritime belt is that part of the sea which, in contradistinction to the open sea, is under the sway of the littoral States." *Ibid.*, p. 394. As regards the maritime belt, Great Britain adheres at present to a breadth of one marine league—"the three-mile limit"—but different distances are recognised by other powers. Moreover, there is no unanimity as regards the nature of the sway of the littoral States. It has not been settled whether the shore within the three-mile limit forms part of the territory of the State or is merely subject to special powers necessary for protective and police purposes. See *A.G. for British Columbia v. A.G. for Canada* [1914], A.C. 153, at p. 174.

As to the position of Northern Ireland, see Hansard, H. of C., 27-28 November, 1922, Vol. 159, No. 6, col. 432, and No. 7, col. 453.

[S. 2 repealed by 15 & 16 Geo. 5, c. 77, s. 1 (2).]^[1]

[S. 3 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]^[2]

[1] This section provided for the constitution of a

"Council of Ireland," but never came into operation (see **Sect. 4** Part I of this work, pp. 17, 57-61).

For the text of the section, see Appendix B below.

[²] This section empowered the Parliaments of Southern and Northern Ireland to establish, by identical Acts, a Parliament for the whole of Ireland (see Part I, p. 17).

For the text of the section, see Appendix B below.

LEGISLATIVE POWERS.

4. Subject to the provisions of this Act, the Parliament of Northern Ireland shall have power to make laws for the peace, order, and good government^[1] of Northern Ireland, with the following limitations,^[2] namely, that they shall not have power to make laws except in respect of matters exclusively relating to the portion of Ireland within their jurisdiction, or some part thereof,^[3] and (without prejudice to that general limitation) that they shall not have power to make laws in respect of the following matters in particular, namely:—

Legislative powers of Northern Ireland Parliament.

(1) The Crown or the succession to the Crown, or a regency, or the property of the Crown (including foreshore vested in the Crown),^[4] or the Lord Lieutenant,^[5] except as respects the exercise of his executive power in relation to Irish services^[6] as defined for the purposes of this Act; or

(2) The making of peace or war, or matters arising from a state of war; or the regulation of the conduct of any portion of His Majesty's subjects during the existence of hostilities between foreign states with which His Majesty is at peace, in relation to those hostilities; or

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- (3) The navy, the army, the air force, the territorial [¹⁷army], or any other naval, military, or air force, or the defence of the realm, or any other naval, military, or air force matter (including any pensions and allowances payable to persons who have been members of, or in respect of service in, any such force, or their widows or dependants, and provision for the training, education, employment, and assistance for the reinstatement in civil life of persons who have ceased to be members of any such force); or
- (4) Treaties, or any relations with foreign states, or relations with other parts of His Majesty's dominions, or matters involving the contravention of treaties or agreements with foreign states or any part of His Majesty's dominions; or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or
- (5) Dignities or titles of honour; or
- (6) Treason, treason felony, alienage, naturalization, or aliens as such, or domicile; or
- (7) Trade with any place out of the part of Ireland within their jurisdiction,^[18] except so far as trade may be affected by the exercise of the powers of taxation given to the said parliament^[19], or by regulations made for the sole purpose of preventing contagious disease, or by steps taken by means of inquiries or agencies out of the part of Ireland within their jurisdiction for the improvement of the trade of that part, or for the protection of

traders of that part from fraud; the granting of bounties on the export of goods; quarantine; navigation, including merchant shipping^[10] (except as respects inland waters, the regulation of harbours, and local health regulations); or

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- (8) Submarine cables^[11]; or
- (9) Wireless telegraphy; or
- (10) Aerial navigation; or
- (11) Lighthouses, buoys, or beacons (except so far as they can, consistently with any general Act of the Parliament of the United Kingdom, be constructed or maintained by a local harbour authority); or
- (12) Coinage; legal tender; negotiable instruments (including bank notes),^[12] except so far as negotiable instruments may be affected by the exercise of the powers of taxation given to the said parliament^[9]; or any change in the standard of weights and measures; or
- (13) Trade marks, designs, merchandise marks, copyright, or patent rights; or
- (14) Any matter which by this Act is declared to be a reserved matter, so long as it remains reserved.^[13]

Any law made in contravention of the limitations imposed by this section shall, so far as it contravenes those limitations, be void.

•[1] "peace, order, and good government . . ." This is the technical phrase now always used in conferring legislative power. These words in a statute "are apt to authorise the utmost discretion of enactment for the attainment of the objects appointed to them." *Riel v. The Queen*, 10 A.C. 675. The phrase is employed in 15 & 16 Vict., c. 72 (New Zealand); 30 & 31 Vict., c. 3 (Dominion of Canada); 63 & 64 Vict., c. 12 (Commonwealth of Australia); 9 Edw. 7, c. 9 (Union of South Africa).

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[2] "with the following limitations . . ." For an explanation of some of the restrictions contained in this section, see the Northern Ireland (Miscellaneous Provisions) Acts, 1928 and 1932, in Chapter V, p. 243 below.

As to the principles upon which a court will act, when inquiring into the validity of a law where the powers of the legislature are subject to statutory limitations of the nature of those contained in this section, see especially *Attorney-General for Ontario v. Reciprocal Insurers* [1924], A.C. 337. "It has been formally laid down in judgments of this Board, that in such an inquiry the courts must ascertain the 'true nature and character' of the enactment: *Citizens Insurance Co. v. Parsons* [1881] 7 A.C. 96; its 'pith and substance': *Union Colliery Co. v. Bryden* [1899], A.C. 580; and it is the result of this investigation, not the form alone, which the statute may have assumed at the hand of the draughtsman, that will determine within which of the categories of subject-matters . . . the legislation falls." Lists of subjects similar to the list in this section, when occurring in ss. 91 and 92 of the British North America Act, 1867 (30 & 31 Vict., c. 3), are referred to in the above judgment of the Judicial Committee as being framed in language "popular rather than scientific." *Ibid.*, 340. See also *Toronto Electric Commissioners v. Snider and Others* [1925] 41 T.L.R. 238; *Attorney-General for Alberta v. Attorney-General for Canada* [1928] A.C. 475; L.J.P.C., 106.

[3] "the portion of Ireland within their jurisdiction, or some part thereof." This is modified to some extent by the Northern Ireland (Miscellaneous Provisions) Act, 1928 (see note [1] on p. 243 below).

As to "extra-territorial" effect of legislation, see *MacLeod v. Attorney-General for New South Wales* [1891], A.C. 455.

As to Private Bills at Westminster affecting Northern Ireland, see Standing Orders, H. of L., 181 (a); H. of C., 11 and 39.

[4] "foreshore vested in the Crown." See, as to this restriction, s. 9 of the Northern Ireland (Miscellaneous Provisions) Act, 1932, in Chapter V, p. 270 below.

[5] Now the Governor of Northern Ireland. See the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), in Chapter III, p. 195 below.

[⁶] "Irish services" in relation to Northern Ireland are defined in s. 8 (8), p. 17 below. **Sect. 4**

[⁷] "territorial army." "army" has been substituted for "force" (see 11 & 12 Geo. 5, c. 37, s. 1).

[⁸] "Trade with any place out of the part of Ireland within their jurisdiction." As to the making of laws with respect to live stock and agricultural produce sent to Great Britain, the Isle of Man, and the Irish Free State, see the Northern Ireland (Miscellaneous Provisions) Act, 1928, s. 2 (1), in Chapter V, p. 247 below. As to legislation with respect to cinematograph films, see s. 33 (2) of the Cinematograph Films Act, 1927 (17 & 18 Geo. 5, c. 29)—"An Act to restrict blind booking and advance booking of cinematograph films, and to secure the renting and exhibition of . . . British films"—which provides that the enactment of legislation for purposes similar to the purposes of that Act is not to be deemed to be beyond the powers of the Parliament of Northern Ireland; the Act does not otherwise extend to Northern Ireland. For a similar constitutional extension in favour of legislation as to destructive imported animals, see s. 12 (2) of 22 Geo. 5, c. 12.

[⁹] The text of the statute has "parliaments" (plural), owing to its intended application to Southern Ireland as well.

[¹⁰] "merchant shipping." As to workmen's compensation for injuries to masters, seamen, apprentices to the sea service, etc., see the Northern Ireland (Miscellaneous Provisions) Act, 1928, s. 2 (4), in Chapter V, p. 247 below.

[¹¹] "Submarine cables." See definition in s. 74 below.

[¹²] "bank notes." For an exercise of this power by the Imperial Parliament, see the Bankers (Northern Ireland) Act, 1928 (18 & 19 Geo. 5, c. 15).

[¹³] "Any matter which by this Act is declared to be a reserved matter . . ." For *reserved matters* see below—s. 9 (2) (a) postal service; (b) Post Office Savings Bank and Trustee Savings Banks; (c) designs for stamps, whether for postal or revenue purposes; (d) registration of deeds; (e) Public Record Office; s. 9 (3) general subject-matter of the Acts relating to land purchase; ss. 21, 22 reserved taxes; s. 47 (and footnotes) Supreme Court matters.

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As to certain special cases where "reserved" and "transferred" matters are interdependent, see the Northern Ireland (Miscellaneous Provisions) Acts, 1928 and 1932, in Chapter V, p. 243 below.

Prohibition
of laws
interfering
with
religious
equality;
taking prop-
erty without
compen-
sation, etc.

5. (1) In the exercise of their power to make laws under this Act, the Parliament of Northern Ireland shall not^[1] make a law so as, either directly or indirectly, to establish or endow any religion, or prohibit or restrict the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or disadvantage,^[2] on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at that school, or alter the constitution of any religious body except where the alteration is approved on behalf of the religious body by the governing body thereof, or divert from any religious denomination the fabric of cathedral churches, or, except for the purpose of roads, railways, lighting, water, or drainage works, or other works of public utility, upon payment of compensation, any other property, or take any property without compensation.

Any law made in contravention of the restrictions imposed by this subsection^[3] shall, so far as it contravenes those restrictions, be void.

(2) Any existing enactment^[4] by which any penalty, disadvantage, or disability is imposed on account of religious belief, or on a member of any religious order as such, shall, as from the appointed day,^[5] cease to have effect in Northern Ireland.^[6]

[1] The text of the statute reads: "neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland

shall"; but the Act is inoperative save in Northern Ireland. **Sect. 5**

[¹] "a preference, privilege, or advantage, or . . . any disability or disadvantage." For the corresponding restrictions upon the power of the Executive, see s. 8 (6) below.

[²] "the restrictions imposed by this sub-section." See also Article 16 of the Schedule to the Irish Free State (Agreement) Act, 1922, in Chapter II, p. 178 below, which repeats some of these prohibitions whilst omitting others, and introducing both new prohibitions and variations. It is doubtful, having regard to the main object of the Articles of Agreement, whether it was intended that Article 16 should apply to Northern Ireland in the event of her voting herself out of the Irish Free State under Article 12, and thus remaining under the Government of Ireland Act, 1920 (including the section now under consideration). Nevertheless, Article 16 appears to be unconditionally applicable to Northern Ireland as to the Irish Free State. It is submitted that prohibitions contained in s. 5, but omitted from Article 16, are operative by virtue of the earlier enactment; and that prohibitions contained in Article 16, but not in s. 5, are operative by virtue of the later enactment. As regards Northern Ireland, the substantial prohibitions added by Article 16 are—

(a) against making any discrimination as respects State aid between schools under the management of different religious denominations; and

(b) against diverting from any educational institution any of its property, except for public utility purposes and on payment of compensation.

[³] For enactments of this character repealed by virtue of the sub-section, see 10 Geo. 4, c. 7, ss. 26 and 28-36 (which were repealed as respects Great Britain by 16 & 17 Geo. 5, c. 55, s. 1). For enactments of the pre-Union Parliament of Ireland which may be affected by the sub-section, see "The Irish Statutes, Revised Edition." London: Eyre and Spottiswoode, 1885.

As regards the office of Lord Lieutenant, now the Governor, see s. 37 (1) and note thereon, p. 66 below.

[⁴] The 3rd May, 1921—S. R. & O. 1921, No. 533.

[⁵] The text of the statute has "Ireland," but its operation is limited to Northern Ireland.

Sect. 6

Conflict of
laws.

6. (1) The Parliament of Northern Ireland shall not^[1] have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the appointed day^[2] and extending to the part of Ireland within their jurisdiction, although that provision deals with a matter with respect to which the Parliament have power to make laws.

(2) Where any Act of the Parliament of Northern Ireland deals with any matter, with respect to which that Parliament has power to make laws, which is dealt with by any Act of the Parliament of the United Kingdom passed after the appointed day^[3] and extending to the part of Ireland within its jurisdiction, the Act of the Parliament of Northern Ireland shall be read subject to the Act of the Parliament of the United Kingdom, and so far as it is repugnant to that Act, but no further, shall be void.

(3) Any order, rule, or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom, shall be deemed to be a provision of an Act within the meaning of this section.

[1] The text of the statute reads: "Neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland shall"; but the Act is inoperative save in Northern Ireland.

[2] The 3rd May, 1921—S. R. & O. 1921, No. 533.

Various Acts passed by the Parliament of the United Kingdom since the appointed day, and applicable wholly or partly to Northern Ireland, contain a provision to the effect that such Act, or some enactment thereof, shall, for the purposes of s. 6 of the Government of Ireland Act, 1920, be deemed to have been passed before the appointed day. This provision appears in Acts dealing with matters which are within the powers of the Parliament of Northern Ireland, but which, for reasons of convenience, have been dealt with by the Parliament of the United Kingdom, the concurrence of the Government of Northern Ireland

having been first obtained. The following instances of **Sect. 8** this procedure may be noted:—

(a) The National Health Insurance Act, 1924 (14 & 15 Geo. 5, c. 38), which consolidated the enactments relating to National Health Insurance, and applies to Northern Ireland as well as to Great Britain—see especially Part VIII of the Act;

(b) The Northern Ireland Land Act, 1925 (15 & 16 Geo. 5, c. 34), which relates partly to land purchase, which is a reserved matter, and partly to general land law, which is a transferred matter—see also the amending Act, 19 & 20 Geo. 5, c. 14;

(c) The Statute Law Revision Act, 1927 (17 & 18 Geo. 5, c. 42), which, as a prelude to vols. XXI–XXIV of the “Statutes Revised,” 2nd edition, repealed various enactments of the period 1901–1920 relating to transferred matters in Northern Ireland.

[³] The 3rd May, 1921—see note [²] above.

[*S. 7 repealed by 15 & 16 Geo. 5, c. 77, s. 1 (2).*] [¹]

[¹] This section conferred power upon the “Council of Ireland” to make orders respecting private Bill legislation for the whole of Ireland; it never came into operation (see Part I of this work, pp. 17, 57–61).

For the text of the section, see Appendix B below.

EXECUTIVE AUTHORITY.

8. (1) The executive power in Northern Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the exercise of that power, except as respects Irish services^[1] as defined for the purposes of this Act. Executive powers.

(2) As respects Irish services, the Lord Lieutenant,^[2] or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty,^[3] the exercise of which may be delegated^[4] to him by His Majesty:

Sect. 8

(3) . . . powers so delegated shall be exercised in Northern Ireland through such departments^[5] as may be established by Act of the Parliament of Northern Ireland, or, subject to any alteration by Act of that Parliament, by the Lord Lieutenant^[2]; and the Lord Lieutenant^[2] may appoint officers^[6] to administer those departments, and those officers shall hold office during the pleasure of the Lord Lieutenant.^[2]

(4) The persons who are for the time being heads^[7] of such departments of the Government of Northern Ireland as may be determined by Act of the Parliament of Northern Ireland, or, in the absence of any such determination, by the Lord Lieutenant,^[2] and such other persons (if any) as the Lord Lieutenant^[2] may appoint,^[8] shall be the Ministers of Northern Ireland:

Provided that—

- (a) no such person shall be a minister of Northern Ireland unless he is a member of the Privy Council of Northern Ireland^[9]; and
- (b) no such person shall hold office as a minister of Northern Ireland for a longer period than six months, unless he is or becomes a member of the Parliament of Northern Ireland; but, in reckoning those six months, any time prior to the date of the first meeting of the Parliament of Northern Ireland, or during which that Parliament stands prorogued, shall be excluded; and
- (c) any such person, not being the head of a department of the Government of Northern Ireland, shall hold office as a minister of Northern Ireland during the pleasure of the Lord Lieutenant,^[2] in the same manner as the head of a department of the Government of Northern Ireland holds his office.

(5) The persons who are ministers of Northern Ireland for the time being shall be an executive committee of the Privy Council of Northern Ireland (to be called the Executive Committee of Northern Ireland), to aid and advise^[10] the Lord Lieutenant^[2] in the exercise of his executive power in relation to Irish services in Northern Ireland. Sect. 8

^[11] (6) In the exercise of power delegated to the Lord Lieutenant^[2] in pursuance of this section, no preference, privilege, or advantage shall be given to, nor shall any disability or disadvantage be imposed on, any person on account of religious belief, except where the nature of the case in which the power is exercised itself involves the giving of such preference, privilege, or advantage, or the imposing of such a disability or disadvantage.

(7) The seat of the Government of Northern Ireland^[12] shall be at Belfast, or such place as the Parliament of Northern Ireland may determine.

(8) For the purposes of this Act, "Irish services" in relation to Northern Ireland are all public services in connection with the administration of civil government in Northern Ireland, except the administration of matters with respect to which the Parliament of Northern Ireland have, under the provisions hereinbefore contained,^[13] no power to make laws, including in this exception all public services in connection with the administration of matters by this Act declared to be reserved matters, so long as they continue to be reserved^[14]; and the public services in connection with the matters so reserved are in this Act referred to as reserved services.

^[1] See sub-section (8) of this section.

^[2] Now the Governor of Northern Ireland—see Chapter

Sect. 8

III, p. 195 below. For provisions as to the office of Governor, see s. 37, p. 66 below.

[³] "any prerogative or other executive power of His Majesty." It is submitted that "Irish services" cannot be affected by an exercise of the prerogative outside the provisions of the Act of 1920. See *Attorney-General v. De Keyser's Royal Hotel, Ltd.* [1920] A.C. 511, cited by Judicial Committee in the Report (Cmd. 2214, 1924) set out in Chapter II, p. 170 below.

[⁴] "delegated." As to the extent of this delegation, see Part I of this work, p. 35 (footnote).

[⁵] "departments." The Lord Lieutenant of Ireland, on 7th June, 1921, established the following departments: Department of the Prime Minister; and Ministries of Finance, Home Affairs, Labour, Education, Agriculture, and Commerce—see Part I, pp. 20, 36–39. The Lord Lieutenant's "Notifications" and the relevant enactments of the Northern Ireland Parliament are set out in Chapter VI, p. 276 below.

[⁶] "officers." The heads of the departments are, respectively, the Prime Minister and the Minister of each Ministry; Parliamentary Secretaries and Assistant Parliamentary Secretaries have also been appointed, and an Attorney General for Northern Ireland—see Chapter VI, p. 285 below.

As to the capacity of the holders of these offices to sit in the Parliament of Northern Ireland, see s. 18 (7), p. 38 below; as to the requirement that Ministers must be members of Parliament, see subsection (4).

[⁷] "heads" of certain departments. The departments whose heads are to be Ministers of Northern Ireland are the seven departments specified in note [⁵] above, and no other departments have been established—see Chapter VI, p. 276 below.

[⁸] "such other persons (if any) as the Lord Lieutenant may appoint." No persons other than heads of departments have been appointed as Ministers.

[⁹] "Privy Council of Northern Ireland." This body was established in place of the Irish Privy Council by the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), set out in Chapter III, p. 195 below.

[¹⁰] "to aid and advise." As to the position of the Governor in relation to the Ministers, see the remarks of the Judicial Committee of H.M. Privy Council, Chapter II, p. 170 below. **Sect. 8**

[¹¹] For the corresponding restriction upon the legislative power, see s. 5 (1) and notes thereon, p. 12 above.

[¹²] "The seat of the Government of Northern Ireland." The House of Commons of Northern Ireland, on 20th September, 1921, resolved: "That this House approves of Stormont Castle Demesne as the place where the new Parliament Houses and Ministerial Buildings shall be erected, and as the place to be determined as the seat of the Government of Northern Ireland, as and when suitable provision has been made therefor." On 22nd September following, the Senate passed a resolution in the same terms.

The foundation-stone of the Parliament and Government Buildings at Stormont was laid by the Governor (His Grace the Duke of Abercorn, K.G., K.P.) on 19th May, 1928. The administrative departments went into occupation in 1931, and the Buildings were formally opened by H.R.H. the Prince of Wales on 16th November, 1932. The Fifth Session of the Third Parliament of Northern Ireland was opened in the Parliament Buildings by the Governor on 22nd November, 1932.

The official residence of the Governor is at Government House, Hillsborough, formerly Hillsborough Castle. The department of the Prime Minister (Cabinet Secretariat) is at Stormont Castle.

[¹³] "The provisions hereinbefore contained." See esp. s. 4, p. 7 above.

[¹⁴] "so long as they continue to be reserved." These words are now of no force, except perhaps in the case of "the general subject-matter of the Acts relating to land purchase," which, under s. 9 (3), p. 20 below, may in the future cease to be a reserved matter. The words had reference to the "date of Irish Union," on which, under the Act as originally enacted, certain reserved matters were to pass under the control of an all-Ireland Parliament and Government—compare s. 4 (14), p. 9 above.

Sect. 9

Reserved
matters.

9.—(1)^[1]

(2) The following matters, namely:—

- (a) the postal service;^[2]
- (b) the Post Office Savings Bank and Trustee Savings Banks;^[3]
- (c) designs for stamps, whether for postal or revenue purposes;
- (d) the registration of deeds;^[4] and
- (e) the Public Record Office of Ireland;^[5]

shall be reserved matters:

Provided that nothing in this sub-section shall prevent the Parliament or Government of Northern Ireland establishing a Public Record Office of Northern Ireland, for the reception and preservation of public records appertaining to Northern Ireland, which otherwise would be deposited in the Public Record Office of Ireland; and, if any such office is so established, provision may be made by the Lord Lieutenant for the removal to that office of such probates, letters of administration, or other testamentary records granted or coming into existence not earlier than twenty years prior to the appointed day as, in his opinion, properly belong to the part of Ireland in which the office is situated and can conveniently be removed to that office.

(3) The general subject-matter of the Acts relating to land purchase in Ireland^[6] shall be a reserved matter, unless and until otherwise provided by any Act of the Parliament of the United Kingdom relating to land purchase in Ireland, passed in the present or any future session of that Parliament:

Provided that this reservation shall not include the powers and duties of the Irish Land Commission and the Commissioners of Public Works

in Ireland with respect to the collection and recovery of purchase annuities;^[7] and, except to such extent as may be provided by Irish transfer orders,^[8] the powers of the Irish Land Commission with respect to holdings subject to purchase annuities, and the apportionment and consolidation of such annuities.

Sect. 9

(4) On any transfer under or by virtue of this Act of any reserved matter, the general provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers^[9] and existing pensions shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day or the date of the passing of this Act.

[1] Sub-section (1) of this section was repealed by 17 & 18 Geo. 5, c. 42 (Statute Law Revision Act, 1927). It made the Royal Irish Constabulary and the Resident Magistrates' service "reserved matters" for three years from the appointed day, and provided for their subsequent transfer to the Government of S.I., as respects Southern Ireland, and to the Government of N.I., as respects Northern Ireland. The R.I.C. was disbanded by the Constabulary (Ireland) Act, 1922 (12 & 13 Geo. 5, c. 55), as from a day not later than 31st August, 1922. On the day fixed for the disbandment of the R.I.C. the public services in connection with magistrates appointed under the Acts relating to the R.I.C. force were, as respects Northern Ireland, transferred from the Government of the United Kingdom to the Government of Northern Ireland; and the Government of Ireland Act took effect as if the day for disbandment had been determined under this sub-section to be the date for the transfer of those public services. A new force, the Royal Ulster Constabulary, was established in Northern Ireland by Act of the N.I. Parliament (12 & 13 Geo. 5, c. 8). For the U.K. Act see Chapter II, p. 182 below, and for the N.I. Act see Chapter VI below.

[2] "the postal service." As regards Ireland, this service was formerly administered by the General Post Office at

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Dublin. For Northern Ireland there is now a Postmaster-Surveyor, who is Postmaster for Belfast and Surveyor for the district consisting of Northern Ireland; Northern Ireland also has a Superintending Engineer, who is under the Chief Engineer at the G.P.O., London. The taxing powers of the Northern Ireland Parliament may not be exercised so as to impose, charge, levy, or collect any duties of postage. See s. 21 (5) below. For definition of this expression see s. 74 below.

[3] "Trustee Savings Banks." As to legislation respecting the priority in bankruptcy of certain debts due to such Banks, see Chapter V, pp. 263, 264 below.

[4] "registration of deeds." A Registry of Deeds for Northern Ireland was established in Belfast on 1st April, 1923, for the purposes of the Act 6 Anne, c. 2 (Irish), and the amending enactments (under which a registry was set up in Dublin). See S. R. & O. 1923, No. 614, in Chapter VIII below.

[5] "Public Record Office of Ireland." Two events combined to render this reservation impracticable, and to necessitate action under the proviso: in June, 1922, the Irish records and record office were destroyed by fire; and at the close of the same year Dublin became the capital of a new Dominion outside the United Kingdom. Consequently, in the year 1923, a Public Record Office of Northern Ireland was established by Act of the N.I. Parliament (13 & 14 Geo. 5, c. 20). "In its general outline this enactment closely follows the precedents of the former legislation in England and Ireland. By s. 2 the records are placed in the charge of the Minister of Finance, who is empowered to appoint an officer to the actual custody, with the title of Deputy Keeper. By s. 1 an important distinction is drawn between Northern Ireland records and Imperial records—the former being those which are within the competence of the Parliament of Northern Ireland; and the latter records appertaining to Northern Ireland 'and not being Northern Ireland records,' to which the Act may be applied by Order of the Governor in Council. As most of the documents awaiting transfer related to reserved services operating in Northern Ireland, and were technically 'Imperial records,' it became necessary to make use of the special provision, which was

accordingly made effective by Order in Council dated 14th January, 1924 [see *Belfast Gazette*, 18th January, 1924], prescribing the general conditions under which Imperial records may be received.”—See the Deputy Keeper’s Report for the year 1924 (Cmd. 51), by D. A. Chart, Litt.D. The Record Office was at first accommodated in temporary premises, but will eventually find a place in the new Royal Courts of Justice, Ulster.

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For an account of the older records, see “The Public Records of Ireland before and after 1922,” by Herbert Wood (some-time Deputy Keeper of the Public Records, Ireland). 1930. Reprinted from the Transactions of the Royal Historical Society.

[6] “The general subject-matter of the Acts relating to land purchase in Ireland.” This reservation left in the hands of the British Parliament and Government the completion of the land purchase policy which began in 1870, and was carried on by successive enactments up to 1909. In pursuance of the reservation, the Northern Ireland Land Act was passed in 1925 (15 & 16 Geo. 5, c. 34), and it marks—with the amending Act of 1929 (19 & 20 Geo. 5, c. 14)—the final stage in the British policy. The Act gives effect to a scheme, upon which the Irish Convention of 1918 had agreed, for compulsory land purchase, or “automatic sale of tenanted land,” but confines that scheme to Northern Ireland. The scheme is being carried out by the Land Purchase Commission, Northern Ireland—an Imperial Department set up at Belfast in the year 1923, and modelled upon the Irish Land Commission (see S. R. & O. 1923, No. 615, in Chapter VIII below).

[7] “collection and recovery of purchase annuities.” See s. 26, p. 55 below.

[8] “Irish transfer orders.” See S. R. & O. 1922, No. 86, in Chapter VIII below.

[9] “existing Irish officers.” See ss. 54–59 and 74 below, and s. 8 (8) above, pp. 86, 120, 17.

10.^[1] . . . The rates, fares, tolls, dues, and other charges directed by the Minister of Transport under the Ministry of Transport Act, 1919, and in force on the appointed day,^[2] may be charged^[3] until fresh

Railway
Charges.
9 & 10 Geo. 5,
c. 50.

Sect. 10

provision shall be made by the Parliament of Northern Ireland^[1] with regard to the amount of any such rates, fares, tolls, dues, and other charges.

[1] This section, as originally enacted, had reference to the Council of Ireland, and, amongst other things, prospectively conferred upon the Council the legislative and administrative power with respect to railways in Ireland. The section was repealed, as respects Northern Ireland, by s. 1 of 15 & 16 Geo. 5, c. 77, except for the provision here set forth. For that Act see Chapter IV below, and for the text of the original section see Appendix B below.

[2] "the appointed day." 5th December, 1922 (see 18 Geo. 5, sess. 2, c. 2, s. 1, Sch. 1, para. 3).

[3] "charged." Subject to modification by the Railway and Canal Commission (see *ibid.*).

[4] "the Parliament of Northern Ireland." Substituted for the U.K. Parliament by 15 & 16 Geo. 5, c. 77, s. 1 (2).

PROVISIONS AS TO PARLIAMENT OF NORTHERN
IRELAND.

Summoning,
etc., of
Parliament.

11.—(1) There shall be a session of the Parliament of Northern Ireland once at least in every year, so that twelve months shall not intervene between the last sitting of Parliament in one session and their first sitting in the next session.

(2) The Lord Lieutenant^[1] shall, in His Majesty's name, summon, prorogue, and dissolve^[2] the Parliament of Northern Ireland.

[1] "The Lord Lieutenant." As regards the office of Lord Lieutenant, now the Governor, see s. 37 (1) and note thereon, p. 66 below. The first Parliament was summoned by the Lord Lieutenant, and its first session began on 7th June, 1921; the Lord Lieutenant also exercised the powers of this sub-section as respects the prorogation of the first session (14th December, 1921, to 21st February, and thence to 14th March, 1922) and the opening of the second session on the latter day. The Governor, who was

appointed on 9th December, 1922, first exercised the powers as respects the prorogation of the second session of the first Parliament. **Sect. 11**

[1] "summon, prorogue, and dissolve." The procedure is as follows:—

(a) *New Parliaments.* In the case of a dissolution, to be followed by a general election of members of the Commons' House, Parliament is first prorogued to a notional date, without any express summons for members to attend on that date, and the proclamation dissolving Parliament is issued shortly afterwards. The following are the proclamations which were issued in the year 1929, for dissolving the second Parliament of Northern Ireland and summoning the third:—

Prorogation.

WHEREAS it is provided by section eleven of the Government of Ireland Act, 1920, as modified by and in pursuance of certain enactments amending the said Act, that the Governor of Northern Ireland shall in His Majesty's name summon, prorogue, and dissolve the Parliament of Northern Ireland:

Now I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, by this Proclamation do publish and declare His Majesty's Pleasure that the said Parliament be, as from the reading of this Proclamation in the Parliament of Northern Ireland, prorogued to Thursday, the sixteenth day of May, one thousand nine hundred and twenty-nine, to be then holden.

Given at the Council Chamber, Belfast, this twelfth day of April, 1929.

(Signed by his own hand)

ABERCORN.

Dissolution and calling of new Parliament.

WHEREAS it is provided by section eleven of the Government of Ireland Act, 1920, as modified by and in pursuance of certain enactments amending the said Act, that the

Sect. 11

Governor of Northern Ireland shall in His Majesty's name summon, prorogue, and dissolve the Parliament of Northern Ireland:

And Whereas it is desirable that the present Parliament of Northern Ireland, which stands prorogued to Thursday, the sixteenth day of May next, should be dissolved, and that a new Parliament should be called:

Now, therefore, I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, by this Proclamation do publish and declare His Majesty's Pleasure that the said Parliament be, as from the date of this Proclamation, dissolved, and that the Senators and Members of the House of Commons be discharged from their Meeting and Attendance on the said Thursday, the sixteenth day of May next.

And I do hereby make known to all His Majesty's loving subjects His Royal Will and Pleasure to call a new Parliament of Northern Ireland, and do further declare that I have taken Order that Writs shall be issued forthwith in His Majesty's Name under the Great Seal of Northern Ireland, in due Form and according to Law, for calling a Parliament of Northern Ireland to meet at the City of Belfast, on Wednesday, the twenty-ninth day of May next, and for causing the Senators and Commons who are to serve in the said Parliament to be duly returned to and give their Attendance in His Majesty's said Parliament, on Wednesday, the twenty-ninth day of May next, which Writs are to be returnable in due course of Law.

Given this second day of May, in the year of our Lord One Thousand Nine Hundred and Twenty-nine.

ABERCORN.



The writ for the election of members to the House of Commons (addressed to the Under Sheriff or other Returning Officer), and the writ of summons to Senators, are issued by the Clerk of the Crown upon the direction of the Governor, and are to the following effect:—

*Writ to Returning Officer for Election of Member of
House of Commons.* **Sect. 11**

GEORGE THE FIFTH by the Grace of God of Great Britain
Ireland and the British Dominions beyond the Seas King
Defender of the Faith

To the Under Sheriff (*or*, in the case of the Queen's Uni-
versity of Belfast, the President of the University)

GREETING WHEREAS Our Governor of Northern Ireland
has made known Our Royal Will and Pleasure to call a
new Parliament of Northern Ireland to meet at STORMONT
on the day of next WE COMMAND you that
notice of the time and place of election being first duly
given you do cause election to be made according to law
of a Member to serve in the Parliament of Northern
Ireland for the

And that you do cause the name of such Member when
so elected whether he be present or absent to be certified
to Us in the Office of the Clerk of the Crown for Northern
Ireland without delay

WITNESS Our Governor of Northern Ireland at BELFAST
the day of in the year of Our Reign and
in the year of Our Lord One thousand nine hundred
and

.....
Clerk of the Crown for Northern Ireland.

Writ of Summons to Senator.

GEORGE THE FIFTH by the Grace of God of Great Britain
Ireland and the British Dominions beyond the Seas King
Defender of the Faith

To

GREETING WHEREAS Our Governor of Northern Ireland
has made known Our Royal Will and Pleasure to call a
new Parliament of Northern Ireland WE COMMAND you
to attend at the meeting of the new Parliament to be
holden at STORMONT on the day of next.

WITNESS Our Governor of Northern Ireland at BELFAST
the day of in the year of Our Reign and
in the year of Our Lord One thousand nine hundred
and

.....
Clerk of the Crown for Northern Ireland.

On the day appointed for the new Parliament, the Clerk of the Crown attends in the House of Commons and delivers to the Clerk of the Parliaments a book containing a list of the names of the members returned to serve in the Parliament.

(b) *Sessional Prorogation.* The following form of Proclamation is in use:—

WHEREAS it is provided by section eleven of the Government of Ireland Act, 1920, as modified by and in pursuance of certain enactments amending the said Act, that the Governor of Northern Ireland shall in His Majesty's name summon, prorogue, and dissolve the Parliament of Northern Ireland:

AND WHEREAS it is desirable that this present Parliament of Northern Ireland should be prorogued to the day of _____, One Thousand Nine Hundred and _____:

Now, I,

_____, Governor of Northern Ireland, by this Proclamation do publish and declare His Majesty's Pleasure that the said Parliament be, as from the reading of this Proclamation in the Parliament of Northern Ireland, prorogued to _____, the _____ day of _____, One Thousand Nine Hundred and _____.

AND I do hereby further declare His Majesty's Royal Will and Pleasure to be that the said Parliament shall on the said day of , One Thousand Nine Hundred and , assemble and be holden for the despatch of divers urgent and important affairs, and the Senators and Members of the House of Commons of Northern Ireland are hereby required to give their attendance accordingly.

Given at the Council Chamber, Belfast,

this day of

One Thousand Nine Hundred and

(Signed by his own hand).....

The date named in the Proclamation for the beginning of a new Session can be postponed to a later date by a further Proclamation. See, *e.g.*, Belfast Gazette, 14th February, 1922, and 14th January, 1927. It is submitted that s. 11 (2) is also wide enough to authorise an earlier recall of Parliament by further Proclamation in case of necessary business. Sect. 11

(c) *Writ to fill Vacancies.* For a bye-election to the House of Commons the writ to the Returning Officer is issued* upon a warrant from the Speaker, and is to the following effect:—

*Writ to Returning Officer for Election of Member of
House of Commons (Bye-Election).*

GEORGE THE FIFTH by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith

To the UNDER SHERIFF (*or*, in the case of the Queen's University of Belfast, the President of the University)

GREETING WE COMMAND you that notice of the time and place of election being first duly given you do cause election to be made according to Law of a Member to serve in the Parliament of Northern Ireland for the in the place of

and that you do cause the name of such Member when so elected whether he be present or absent to be certified to Us in the Office of the Clerk of the Crown for Northern Ireland without delay.

WITNESS Our Governor of Northern Ireland at Belfast the day of in the
Year of Our Reign and in the Year of Our Lord One thousand nine hundred and

.....
Clerk of the Crown for Northern Ireland.

As to the election of Senators (whose term of office is not affected by a dissolution of Parliament), see s. 13 and Fourth Schedule, pp. 33, 124 below.

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(d) *Opening and Prorogation Ceremonial.* At the opening of the first session of a new Parliament the preliminary procedure takes place in the Senate. The Clerk reads the proclamation calling the Parliament together; the Governor, being seated on the Throne, commands the Gentleman Usher to let the Commons know "it is His Excellency's pleasure they attend him immediately in this House"; upon the arrival of the Commons the Governor addresses the members of both Houses, informing them that when the members have been sworn, "the causes of His Majesty's calling this Parliament of Northern Ireland will be declared to you," and calling upon the Commons to proceed to the choice of a Speaker, and present him in the Senate for His Majesty's approbation. The Senate is adjourned, and resumed when the Commons have elected their Speaker, and the election is confirmed by the Governor in a form of words corresponding to that which is used at Westminster. The Commons then return to their House and take the Oath. After a further adjournment and resumption the Commons again attend in the Senate, when the Governor delivers the Speech from the Throne and retires. Both Houses then proceed to business, asserting their rights by taking first some item other than the "Gracious Speech," and then the motion to present an address of thanks to the Governor for that Speech. The address is debated at length in each House, and ordered to be presented by Members of the House who are members of the Privy Council of Northern Ireland. The answer of the Governor, which is formally reported to each House, is: "I have received with great satisfaction the expression of your thanks for the Speech with which I opened the present session of Parliament."

The proceedings at the opening of the second and subsequent sessions of a Parliament are similar, except that there is no swearing-in of members or election of Speaker of the Commons.

A Parliament can be opened by Commissioners—that is, by "Lords Justices for the government of Northern Ireland," sworn in to act for the Governor in his absence from Northern Ireland (see notes on s. 37, p. 67 below). In that case the senior Commissioner takes his seat on the Throne, commands the attendance of the Commons, and reads the Speech.

The prorogation of Parliament (*i.e.*, the terminating of a session) is sometimes accomplished by the Governor in person, in which case he commands the attendance of the Commons and delivers a Speech from the Throne, and the Speaker of the Senate reads the Proclamation. If the Governor does not attend in person, prorogation can be effected by the reading of the Proclamation to both Houses in the Senate, by the Speaker of the Senate, in pursuance of the Governor's command. In such a case there would be no separate Speech. If, although the Governor were absent, circumstances rendered a Speech necessary, it would, it is submitted, be delivered by Lords Justices under a Commission. In a case where the Governor does not attend and there is no Speech from the Throne, the Speaker of the Senate will announce the Governor's command, and a member of the Government will move that the Commons be invited to attend and hear the Proclamation read.

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12. The Lord Lieutenant^[1] shall give and withhold the assent of His Majesty to Bills^[2] passed by the Senate and House of Commons of Northern Ireland, subject to the following limitations:—

Royal
Assent to
Bills.

- (1) He shall comply with any instructions given by His Majesty in respect of any such Bill; and
- (2) He shall, if so directed by His Majesty, reserve any such Bill^[3] for the signification of His Majesty's pleasure, and a Bill so reserved shall not have any force unless and until, within one year from the day on which it was presented to the Lord Lieutenant for His Majesty's assent, the Lord Lieutenant makes known that it has received His Majesty's assent.

[1] "The Lord Lieutenant." Since 9th December, 1922, the Governor of Northern Ireland (see 13 Geo. 5, sess. 2, c. 2, s. 1, Sch. 1, para. 1).

[2] "the assent of His Majesty to Bills." When a Bill (whether public general, local, or personal) has passed both Houses, the following procedure is observed. The Clerk of

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the Parliaments certifies copies of the Bill. The Attorney-General for N.I. signs a report to the Minister of Home Affairs, giving a short summary of the objects and effect of the Bill, and certifying that its provisions are within the powers of the Parliament. The Minister of Home Affairs, with a letter of concurrence, transmits the report of the Attorney-General to the Prime Minister (whose department is the channel of communication between the Governor and the Cabinet). The Prime Minister sends on the certified Bill with the Attorney-General's report and letter of the Minister of Home Affairs to the Governor. The Governor, when giving the Royal Assent, signs a declaration of the Assent. This declaration he transmits to the Prime Minister's department, and it serves two purposes—

- (i) it is formally notified in each House of Parliament;
- (ii) it is given to the Clerk of the Parliaments, and retained with the Bill as the record of the Assent.

The notification at (i) takes place in each House on the same day. It is an essential part of the giving of the Royal Assent; and, unless otherwise provided, the Act comes into operation on that day, which is entered on the Act after the title. The notification is made by a member of the Government, who announces "That His Excellency (or, if a Duke, His Grace) the Governor, in the name and on behalf of His Majesty the King, has been pleased to give his Assent to the following Bill agreed upon by both Houses." The Governor also notifies the declaration of Royal Assent to His Majesty's Secretary of State for the Home Department.

The Northern Ireland procedure in this matter is modelled upon that of the Dominions of the British Empire. In both cases the basic precedent is that of Westminster. There the primary method is for His Majesty to give the Royal Assent in person in the House of Lords. But if His Majesty does not think fit to be personally present, he gives his assent by a commission under the great seal and royal sign manual, and, by the same commission, he commands certain persons (the Lords Commissioners) to declare and notify His Royal Assent in the presence of the Lords and Commons assembled for that purpose.

[³] "reserve any such Bill." A Bill was so reserved by the Lord Lieutenant in the session of 1922, but the Royal Assent was subsequently given. **Sect. 14**

13.—(1) Constitution of Senate.

(2) The Senate of Northern Ireland shall be constituted as provided in the Third Schedule to this Act.^[1]

(3) The provisions contained in the Fourth Schedule^[1] to this Act shall have effect with respect to the nomination, election, and term of office of members of the Senate of Northern Ireland.^[2]

[¹] For these Schedules see pp. 123, 124 below.

[²] The text of the statute reads "Senates of Southern Ireland and Northern Ireland," but the Act is inoperative save in Northern Ireland.

14.—(2) The House of Commons of Northern Ireland shall consist of fifty-two members returned by the constituencies in Ireland named in Part II of the Fifth Schedule to this Act, and the number of members to be returned by each such constituency shall be the number mentioned in the second column of that Part.^[1] Constitution of House of Commons.

(3) The members shall be elected by the same electors^[2] and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, except that at any contested election of the full number of members the election shall be according to the principle of proportional representation, each elector having one transferable vote, as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has under sub-section (3) of section twenty of that Act, and that sub-section shall apply accordingly.^[3] 7 & 8 Geo. 5. c. 64.

(4) The House of Commons of Northern Ireland when summoned shall, unless sooner dissolved, have continuance for five years from the day on which the summons directs the House to meet and no longer.

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(5) After three years from the day of the first meeting of the Parliament of Northern Ireland,^[1] that Parliament may alter the qualification and registration of the electors, the law relating to elections and the questioning of elections, the constituencies, and the distribution of the members among the constituencies, provided that in any new distribution the number of the members shall not be altered, and due regard shall be had to the population of the constituencies other than university constituencies.

[¹] See now the constituencies and numbers set out in 19 Geo. 5, c. 5 (N.I.), s. 2, Sched. 1, included in Chapter VII below.

[²] "the same electors." As to the effect of this provision, see Chapter VII below.

[³] The words from "except" to the end of the sub-section were repealed, save as respects elections for any university constituency where there are two or more members to be elected, by 19 Geo. 5, c. 5 (N.I.), included in Chapter VII below.

[⁴] "first meeting of the Parliament of Northern Ireland." See note [¹] on s. 1 of the Act above. These powers were exercised by the statutes included in Chapter VII below. See also 20 & 21 Geo. 5, c. 6 (N.I.), which, amongst other things, consolidates and amends the laws relating to personation at parliamentary elections.

Application
of election
laws.

15.—(1) All existing election laws^[1] relating to the Commons House of Parliament of the United Kingdom and the members thereof shall, so far as applicable and subject to the provisions of this Act, and especially to any provision enabling the Parliament of Northern Ireland to alter those laws as respects the House of Commons of Northern Ireland, extend to the House of Commons of Northern Ireland and the members thereof.^[2]

(2) His Majesty may, by Order in Council, make such provisions as may appear to him necessary or

proper for making any provisions of the election laws applicable to elections of members of the Senate and House of Commons of Northern Ireland.^[3] **Sect. 16**

[1] "existing election laws." For definition see s. 74 below. Compare with this the expression "law relating to elections," used in s. 14 above, and having a narrower signification.

[2] The text of this section had references also to the Parliament, and Houses and Members of Parliament, of Southern Ireland, but the Act is inoperative save in Northern Ireland. For power to alter the law in certain respects see s. 14 above.

[3] For Order in Council as to Senate elections see S. R. & O. 1921, No. 729, in note [1] to 4th Schedule below. For Order as to House of Commons election see S. R. & O. 1921, No. 731, in Chapter VIII below.

16.—(1) Bills imposing taxation or appropriating revenue or moneys shall originate only in the House of Commons of Northern Ireland, but a Bill shall not be taken to impose taxation or to appropriate revenue or moneys by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill. **Money Bills.**

(2) The House of Commons of Northern Ireland shall not adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Northern Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant^[1] in the session in which the vote, resolution, address, or Bill is proposed.

(3) The Senate of Northern Ireland may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government of Northern Ireland, and may not amend any Bill so

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as to increase any proposed charges or burdens on the people.

(4) Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government of Northern Ireland shall deal only with that appropriation.^[2]

[1] "Lord Lieutenant." Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1 (1).

[2] For provisions similar to those of this section see 63 & 64 Vict., c. 12, s. 9, Chap. I, 53-55 (Commonwealth of Australia), and 9 Edw. 7, c. 9, ss. 60-62 (Union of South Africa).

Disagree-
ment
between two
Houses of
Parliament
of Northern
Ireland.

17.—(1) If the House of Commons of Northern Ireland pass any Public Bill, which is sent up to the Senate of Northern Ireland at least one month before the end of the session and the Senate of Northern Ireland reject or fail to pass it or pass it with amendments to which the House of Commons will not agree, and if the House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Senate, and the Senate reject or fail to pass it or pass it with amendments to which the House of Commons will not agree, the Lord Lieutenant^[1] may, during that session, convene a joint sitting of the members of such two Houses.

(2) The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Commons and upon the amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by a majority of the total number of members of such two Houses present at such sitting shall be taken to have been carried.

(3) If the Bill with the amendments, if any, so taken to have been carried is affirmed by a majority

of the total number of members of the two Houses present at such sitting, it shall be taken to have been duly passed by both Houses: **Sect. 18**

Provided that, if the Senate of Northern Ireland shall reject or fail to pass any Bill dealing with the imposition of taxation or the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so reject or fail to pass such Bill.^[2]

[1] "Lord Lieutenant." Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1 (1).

[2] No joint sittings have yet (1933) been held. For provisions similar to those of this section see 63 & 64 Vict., c. 12, s. 9, Chap. I, 57 (Commonwealth of Australia), and 9 Edw. 7, c. 9, s. 63 (Union of South Africa).

18.—(1) The powers, privileges, and immunities of the Senate and House of Commons of Northern Ireland, and of the members and of the committees thereof, shall be such as may be defined by Act of the Parliament^[1] in question, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees at the date of the passing of this Act.

Privileges, qualifications, etc., of members of the parliament.

(2) The law for the time being in force^[2] relating to the qualification and disqualification of the members of the Commons House of Parliament of the United Kingdom, and the taking of any oath^[3] required to be taken by a member of that House, shall, save as otherwise provided by this Act, apply to the members of the Senate and House of Commons of Northern Ireland.

(3) A person shall not be disqualified for being a member of the Senate or House of Commons of Northern Ireland by reason only that he is a peer, whether

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of the United Kingdom, Great Britain, England, Scotland, or Ireland.^[4]

(4) A member of the House of Commons of Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the Senate of Northern Ireland, and a member of the Senate of Northern Ireland shall be incapable of being chosen or elected or of sitting as a member of the House of Commons of Northern Ireland; but a Minister of Northern Ireland who is a member of either House of the Parliament of Northern Ireland shall have the right to sit and speak in both Houses,^[5] but shall vote only in the House of which he is a member.

(5) A member of the Senate or House of Commons of Northern Ireland may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or, if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.^[6]

(6) The powers of the Senate or House of Commons of Northern Ireland shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification of any member thereof.

(7) His Majesty may, by Order in Council,^[7] declare that the holders of the offices in the executive of Northern Ireland named in the Order shall not be disqualified for being members of the Senate or House of Commons of Northern Ireland by reason of holding office under the Crown, and, except as otherwise provided by Act of the Parliament of Northern Ireland,^[8] the Order shall have effect as if it were enacted in this Act,^[9] and on acceptance of any such office the seat of any such person in the House of Commons of Northern Ireland shall not be vacated.

[¹] "Act of the Parliament." No such Act has yet (1933) **Sect. 18** been passed. As to appointment of Speakers and Chairmen, and legislative procedure of the two Houses, see pp. 22-27 in Part I of this work.

The principal officers of the Senate are the Clerk; two Clerks-Assistant; Librarian; three Chaplains; Counsel to the Speaker and Examiner of Petitions for Local Bills; Gentleman Usher.

The principal officers of the House of Commons are the Clerk; two Clerks-Assistant; Librarian; the Serjeant at Arms; the Deputy Serjeant at Arms; three Chaplains; Counsel to the Speaker and Examiner of Petitions for Local Bills.

The same staff of officers hold the corresponding posts in both Houses, and are interchangeable between the two Houses. The Clerk of the two Houses, the Serjeant at Arms, and the Gentleman Usher of the Senate (who is Deputy Serjeant at Arms in the Commons) are appointed by warrant under the hand of the Governor of Northern Ireland. The Chaplains act in rotation.

As to the application of the Superannuation Acts to officers of the Parliament, see 12 Geo. 5, c. 3 (N.I.), s. 3, in Chapter VI below.

[²] "The law for the time being in force." For such a law passed since the appointed day see 21 Geo. 5, c. 13 (U.K.), which removes doubts as to the scope of the statutes of 1782 and 1801, which disqualified members concerned in contracts, etc. See also 6 Anne, c. 41.

[³] "taking of any oath." As to Senators, see Art. 9 of S. R. & O. 1921, No. 729, in note [¹] to 4th Schedule below. As to members of House of Commons, see Art. 9 of S. R. & O. 1921, No. 731, in Chapter VIII below.

[⁴] The peerage disqualification removed by this subsection must be distinguished from the incapacity of a peer (arising from his status) to vote at an election of a member of the House of Commons. The incapacity was removed, as respects elections of members of the House of Commons of Northern Ireland, by a proviso contained in s. 1 of 18 & 19 Geo. 5, c. 24 (N.I.), set out in Chapter VII below.

[⁵] "the right to sit and speak in both Houses." This right has been exercised from time to time. Standing

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Order XXXVII of the Senate provides that "A Minister, not being a Senator, when sitting and speaking in the House, shall be subject to these Standing Orders, so far as they are applicable to him, in the same manner as a Senator." Standing Order 83 of the Commons—which empowers the Speaker or Chairman to order strangers to withdraw—excepts members of the Senate from its operation.

[⁶] Standing Order XXXIV (A) of the Senate provides that "An elected Senator may resign his seat by giving notice in writing to the Speaker, and his seat shall become vacant on such notice being given." The Lord Mayor of Belfast and the Mayor of Londonderry are Senators *ex officio*.

Standing Order 59 of the Commons provides that "A member of this House may resign his seat by giving notice in writing to Mr. Speaker, and his seat shall become vacant on such notice being given, and thereupon Mr. Speaker shall certify such vacancy to the Governor of Northern Ireland."

[⁷] "by Order in Council." S. R. & O. 1921, No. 961, names for this purpose the following offices:—

The office of Minister of Northern Ireland.

Any office, by whatever title designated, the holding whereof constitutes the holder a Minister of Northern Ireland by virtue of s. 8 (4) of the Government of Ireland Act, 1920 (see p. 16 above).

The office of Parliamentary Secretary or Assistant Parliament Secretary of any department of the Government of Northern Ireland.

The office of Attorney General for Northern Ireland.

[⁸] "Act of the Parliament of Northern Ireland." No such Act has yet (1933) been passed.

[⁹] "as if it were enacted in this Act." See note [¹] on s. 70 (2) below.

Representa-
tion of
Northern
Ireland in
the House of
Commons
of the United
Kingdom.

REPRESENTATION OF NORTHERN IRELAND IN THE HOUSE OF COMMONS.

19. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect:—

- (a) After the appointed day^[1] the number of **Sect. 19** members to be returned by constituencies in Northern Ireland to serve in the Parliament of the United Kingdom shall be thirteen,^[2] and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in the Fifth Schedule to this Act, and the number of members to be returned by each such constituency shall be the number mentioned in the second^[3] column of that Schedule;
- (b) The election laws^[4] and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to elections of members returned by constituencies in Northern Ireland^[5] to serve in the Parliament of the United Kingdom, be altered by the Parliament of Northern Ireland.

[1] "the appointed day"; *i.e.*, 26th October, 1922. A proviso to s. 73 (1) of the Act required that this appointed day should be a day not earlier than the day on which the United Kingdom Parliament should be next dissolved after the passing of the Act, which was in fact the day above mentioned. S. 19 contained a further paragraph (c) providing for the vacating of the seats of the members representing Northern Ireland, and for the issue of writs for the thirteen new constituencies. See also pp. 31-33 in Part I of this work.

[2] "the number of members . . . shall be thirteen." The text of the section refers to the total number of members to represent Ireland for the constituencies named in the 5th Schedule to the Act. The Act is inoperative save in Northern Ireland.

[3] "second." The text has "third column," but the second column had reference to the number of members of the Parliament of Northern Ireland, which is now provided for by 19 Geo. 5, c. 5 (N.I.), set out in Chapter VII below.

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[4] "election laws." For definition see s. 74 below. For their adaptation see S. R. & O. 1922, No. 1352, in Chapter VIII below.

Under the election laws the procedure for the return of members to Westminster from constituencies in Northern Ireland is as follows:—

(a) *New Parliaments.*—A proclamation dissolving Parliament and calling a new Parliament is made by His Majesty in Council, passed under the Great Seal of the Realm and published. The proclamation, together with a special notice, requires the Governor of Northern Ireland to cause writs to be issued in due form and according to law for causing the Commons who are to serve in the new Parliament to be duly returned to and give their attendance in that Parliament, on a day specified in the proclamation. Thereupon the Clerk of the Crown for Northern Ireland issues writs to the several returning officers in the following form:—

Writ to Returning Officer (General Election).

GEORGE THE FIFTH by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith To the Under Sheriff (or other Returning Officer): GREETING WHEREAS by the advice of our Council We have ordered a Parliament to be holden at Westminster on the day of next We Command you that notice of the time and place of election being first duly given you do cause election to be made according to law of a Member to serve in the Parliament for the

And that you do cause the name of such Member when so elected whether he be present or absent to be certified to Us in the Office of the Clerk of the Crown for Northern Ireland without delay WITNESS Our Governor of Northern Ireland at Belfast the day of in the year of Our Reign and in the year of Our Lord One thousand nine hundred and .

Clerk of the Crown for Northern Ireland.

(b) *Writ to fill Vacancies*.—The writ to the returning officer is issued by the Clerk of the Crown in Northern Ireland upon a warrant from the Speaker of the House of Commons and is to the following effect:—

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Writ to Returning Officer (Bye-Election).

GEORGE THE FIFTH by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith To the Under Sheriff (or other Returning Officer): GREETING We Command you that notice of the time and place of election being first duly given you do cause election to be made according to law of a Member to serve in Parliament for the in the place of And that you do cause the name of such Member when so elected whether he be present or absent to be certified to Us in the Office of the Clerk of the Crown for Northern Ireland without delay

WITNESS Our Governor of Northern Ireland at Belfast the day of in the year of Our Reign and in the year of Our Lord One thousand nine hundred and .

.....
Clerk of the Crown for Northern Ireland.

[⁵] "Northern Ireland." The text reads "Ireland," but the Act is inoperative save in Northern Ireland.

FINANCIAL PROVISIONS.

20.—(1) There shall be an Exchequer and Consolidated Fund of Northern Ireland separate from those of the United Kingdom.^[1]

Establish-
ment of
Northern
Ireland
Exchequer.

(2) All sums paid into the Exchequer of Northern Ireland shall form the Consolidated Fund of Northern Ireland, and, subject to the provisions of any Act of the Parliament of Northern Ireland, or this Act,^[2] or any other Act of the Parliament of the United Kingdom charging any sums on such Consolidated Fund, all such sums shall be appropriated to the public service of Northern Ireland by Act of the

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Parliament of Northern Ireland, and shall not be applied for any purpose for which they are not so appropriated.

(3) Save as may be otherwise provided by Act of the Parliament of Northern Ireland, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Northern Ireland, and an officer shall be appointed by the Lord Lieutenant to be Comptroller and Auditor-General for Northern Ireland.^[3]

(4) Save as may be otherwise provided by Act of the Parliament of Northern Ireland, the accounts of the Consolidated Fund of Northern Ireland shall be audited as appropriation accounts, in manner provided by the Exchequer and Audit Departments Act, 1866, and any Act amending the same, by or under the direction of the appropriate Comptroller and Auditor-General.^[4]

29 & 30
Vict., c. 39.

[1] The appointed day for the establishment of this Exchequer and Consolidated Fund was 3rd May, 1921 (see note to s. 73 below). For adaptation of references in United Kingdom enactments, see S. R. & O. 1921, No. 1804, in Chapter VIII below.

[2] For provisions of the Act of 1920 charging sums on the Consolidated Fund of Northern Ireland, see ss. 48 (1), 57 (2) below.

[3] The law relating to the Exchequer and Consolidated Fund of the United Kingdom, as at the appointed day, has been superseded in many respects by statutes of the Parliament of Northern Ireland. See, especially, the Exchequer and Audit Act, 1921 (12 Geo. 5, c. 2), and notes thereon, in Chapter VI below; and also pp. 44, 45, 77, 82, in Part I of this work. For other provisions made by the same Parliament, see 13 & 14 Geo. 5, cc. 4 and 26; 14 & 15 Geo. 5, cc. 13 and 19; 15 & 16 Geo. 5, c. 17; 16 & 17 Geo. 5, c. 27; 17 & 18 Geo. 5, c. 10; 20 Geo. 5, c. 4 (1930); 20 & 21 Geo. 5, c. 17. The Comptroller and

Auditor-General is appointed under 12 Geo. 5, c. 2, the **Sect. 21** Act of 1866 having been entirely superseded.

[4] For enactments as to the audit of appropriation accounts, see 12 Geo. 5, c. 2 (N.I.), in Chapter VI below. Standing Orders of the House of Commons provide that there shall be a standing committee, to be designated "the Committee of Public Accounts," for the examination of the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure. The members of the committee are nominated at the beginning of every session, and it receives power to send for persons, papers, and records.

21.—(1) The power of the Parliament of Northern Ireland^[1] to make laws shall include power to make laws with respect to the imposing, charging, levying, and collection of taxes within its jurisdiction, other than customs duties, excise duties on articles manufactured and produced, and excess profits duty, corporation profits tax, and any other tax on profits, and (except to the extent hereinafter mentioned) income tax (including super-tax),^[2] or any tax substantially the same in character as any of those duties or taxes, and the Government of Northern Ireland shall have full control over the charging, levying, and collection of such taxes as the Parliament has power to impose, and the proceeds of all such taxes shall be paid into the Consolidated Fund of Northern Ireland:

Powers of
taxation.

Provided that it shall not be competent for the Parliament of Northern Ireland to impose any tax, whether recurrent or non-recurrent, of the nature of a general tax upon capital, not being a tax substantially the same in character as an existing tax.

(2) Provision shall be made by the Parliament of Northern Ireland for the cost within its jurisdiction of Irish services and, except as provided by this Act, any charge on the Consolidated Fund of the United

Sect. 21

Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Northern Ireland shall cease to be advanced out of the Local Loans Fund.^[3]

(3) For the purposes of this Act, the excise duty on a licence granted to a manufacturer or producer of an article, the amount of which varies either directly or indirectly according to the amount of the article manufactured or produced, shall be treated as an excise duty on an article manufactured or produced; but, save as aforesaid, nothing in this Act shall be construed as preventing the Parliament of Northern Ireland from making laws with respect to excise licence duties, or duties of excise other than excise duties, on articles manufactured or produced.^[4]

(4) Any articles which are brought into Great Britain or the Isle of Man from Northern Ireland, or into Northern Ireland from Great Britain or the Isle of Man, shall be deemed to be articles exported or imported for the purposes of the forms to be used and the information to be furnished under the Customs Consolidation Act, 1876, or any Act amending that Act, but not for any other purpose.

(5) Nothing in this section shall be construed as authorising the Parliament or Government of Northern Ireland to impose, charge, levy, or collect any duties of postage.^[5]

[1] "Parliament of Northern Ireland." The text of the section refers throughout to the Parliaments and Governments of Southern Ireland and Northern Ireland, to their respective jurisdictions, and to Ireland; but the Act is inoperative save in Northern Ireland, and these references have been modified in the text as set out above.

[²] "income tax (including super-tax)." For power of **Sect. 22** granting relief from these taxes see s. 25 below.

[³] For the steps taken under this sub-section see pp. 44, 46, 47, in Part I of this work.

[⁴] For laws made by the Parliament of Northern Ireland as to excise duties see, *e.g.*, 17 & 18 Geo. 5, c. 11, as to entertainments duty; 20 & 21 Geo. 5, c. 11, as to duty on licences for mechanically-propelled vehicles; see also s. 22 (5) below.

[⁵] For the postal service, see s. 9 above.

22.—(1) The imposing, charging, levying, and collection of customs duties and of excise duties on articles manufactured and produced and the granting of customs and excise drawbacks and allowances, and, except to the extent hereinafter mentioned,^[1] the imposing, charging, levying, and collection of income tax (including super-tax) and excess profits duty, corporation profits tax, and any other tax on profits shall be reserved matters, and the proceeds of those duties and taxes shall be paid into the Consolidated Fund of the United Kingdom.

Reserved
taxes.

(2) The Joint Exchequer Board shall in each year determine what part of the proceeds of the said duties and taxes (except such of those proceeds as consist of arrears of excess profits duty payable in respect of any period before the passing of this Act) are properly attributable to Northern Ireland,^[2] and in making that calculation the Board shall treat the proceeds collected in Northern Ireland^[2] of any such duty or tax as the proceeds of that duty or tax in Northern Ireland,^[2] subject to such adjustments as the Board think equitable, with a view to attributing to Northern Ireland^[2] any proceeds of any of such duties and taxes collected in Great Britain but properly attributable to Northern Ireland^[2], and to attributing to Great Britain the proceeds of any such duties and taxes collected in

Sect. 22

Northern Ireland^[2] but properly attributable to Great Britain, and the sum so determined to be the Northern Ireland^[2] share of the proceeds of the said duties and taxes is hereinafter referred to as the Northern Ireland^[2] share of reserved taxes.

(3) Subject as aforesaid, the Joint Exchequer Board may make regulations^[3] for determining the manner in which in cases of doubt the proceeds of such duties and taxes as aforesaid are to be apportioned as between Great Britain and Northern Ireland.^[2]

(4) The Commissioners of Customs and Excise and the Commissioners of Inland Revenue shall furnish to the Joint Exchequer Board such information as the Board may require for the purposes aforesaid, and, to enable the Commissioners to furnish such information, the Commissioners may require any taxpayer, in any return made by him under any enactment imposing any such duty or tax, to furnish such information as may be necessary for the purpose.

(5) The reservation of the levying of such duties and taxes as aforesaid shall include a reservation of all powers and obligations incidental to the levying thereof or designed for preventing the evasion thereof,^[4] and all powers and obligations respecting coastwise traffic contained in the enactments relating to customs.

[1] "to the extent hereinafter mentioned." See s. 25 below as to granting of relief from income tax.

[2] "Northern Ireland." The text of the section, as originally enacted, read "Ireland" and "Irish share," but see 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (2), in Chapter III below. See also pp. 28 and 43 in Part I of this work.

[3] "regulations." None made (1933); for other similar powers of this Board see ss. 28 (4) and 32 (3) below.

[4] "incidental to . . . evasion thereof." For an exer-

cise of this reserved power see 15 & 16 Geo. 5, c. 36 (U.K.), s. 5 (2), which imposed an excise duty on the licence to be taken out annually by manufacturers of artificial silk yarn in Northern Ireland, incidental to the direct duty imposed by the section on artificial silk yarn manufactured in Northern Ireland.

Sect. 23

23.—(1) Northern Ireland^[1] shall in each year make a contribution towards the Imperial liabilities and expenditure mentioned in the Sixth Schedule to this Act.

Northern
Ireland
contribution
to Imperial
expenditure.

(2) The amount of the contribution shall, in each year until the end of the second financial year after the appointed day, be, subject as hereinafter provided, a sum calculated at the rate of eighteen million pounds a year, and after the end of the said second financial year shall in each financial year be such proportion as is hereinafter mentioned of the amount which the Joint Exchequer Board certify to have been the amount for the preceding financial year of the said liabilities and expenditure.^[2]

(3) The proportion of Imperial liabilities and expenditure to be so contributed shall be such as the Joint Exchequer Board may, having regard to the relative taxable capacities of Ireland and the United Kingdom,^[3] determine to be just; but the proportion so determined shall be subject to revision by the Joint Exchequer Board at the end of the fifth financial year after the date when it was first so determined and at the end of every fifth financial year thereafter.

(4) [Related to apportionment between S. and N. Ireland.]

(5) If the Joint Exchequer Board at any time after the end of the said second financial year^[4] are of opinion that the said contribution for the first or second financial year ought justly to have been some less sum than eighteen million pounds,^[2] they shall certify accordingly and direct that an amount equal

Sect. 23

to the difference between the contribution made and that less sum shall be credited to the Exchequer of Northern Ireland, . . . and such adjustments as are necessary for the purpose of giving effect to any direction under this section may be made by the Board in any payments to be subsequently made to that Exchequer on account of the Northern Ireland residuary share of reserved taxes.^[5]

[¹] "Northern Ireland." The text of the section, as originally enacted, read "Ireland," but the Act is inoperative save in Northern Ireland, and all the provisions of the section must, in their application to Northern Ireland, be read with 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (1). See that enactment in Chapter III below, and also pp. 48-50 in Part I of this work. For the Sixth Schedule see p. 146 below.

[²] As to the amount of the Northern Ireland contribution, see the enactment mentioned in note [¹] above.

[³] "Ireland and the United Kingdom." The Board must now have regard to the relative taxable capacities of Northern Ireland on the one hand and Great Britain and Ireland on the other hand. See the enactment mentioned in note [¹] above.

[⁴] "second financial year." As to the time when this power may be exercised, see the enactment mentioned in note [¹] above.

[⁵] "Exchequer of Northern Ireland . . . Northern Ireland residuary share of reserved taxes." The text of the section, as originally enacted, had references to the Exchequer of Southern Ireland and to the Irish share, but see note [¹] above.

Northern
Ireland
residuary
share of
reserved
taxes.

24.—(1) There shall in respect of each year be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof⁽¹⁾ to the Exchequer of Northern Ireland⁽²⁾ a sum equal to the Northern Ireland share of reserved taxes⁽²⁾ in that year after deducting—

Sect. 24

(a) the amount of the Northern Ireland contribution^[2] towards Imperial liabilities and expenditure; and

(b) whilst any services remain reserved services, the net cost to the Exchequer of the United Kingdom during the year of the services so remaining reserved services, excluding therefrom such sums as the Joint Exchequer Board may certify to have been expended in the provision of buildings (including the sites thereof) and equipment for the purposes of the Supreme Court of Northern Ireland.^[3]

(2) The sum so payable to that Exchequer (in this Act referred to as the Northern Ireland residuary share of reserved taxes)^[2] shall be paid at such times, in such manner, and according to such regulations,^[4] as the Joint Exchequer Board may direct, and those regulations may provide for payments being made to the Exchequer of Northern Ireland on account of the sums which may ultimately be found to be payable to that Exchequer in respect of the Northern Ireland residuary share of reserved taxes.^[2]

(3) *In determining the apportionment as between the Exchequers of Southern and Northern Ireland of the Irish residuary share of reserved taxes, the Joint Exchequer Board shall act on the following principles:—*

(a) *So far as the amount of the said share depends on the proceeds of any tax, they shall determine what parts of the proceeds are properly attributable to Southern and Northern Ireland respectively, and shall allot the amount so determined accordingly;*

(b) *So far as the amount of the said share depends on the amount of the Irish contribution towards Imperial liabilities and expenditure, they shall*

Sect. 24

allot to Southern Ireland and Northern Ireland their respective shares in that contribution, determined in manner hereinbefore provided;

- (c) *So far as the amount of the said share depends on the cost of any service, they shall, where the cost of the service in Southern and Northern Ireland respectively can be ascertained, allot to Southern and Northern Ireland the cost of the service in Southern and Northern Ireland respectively; and, where the cost of the service in Southern and Northern Ireland cannot in their opinion be ascertained with sufficient accuracy, they shall divide the cost between them in proportion to population.*^[5]

(4) The Joint Exchequer Board shall apportion any sum which under this Act is to be made good by deductions^[6] from the Northern Ireland residuary share of reserved taxes^[7] on the like principles.

[1] "or the growing produce thereof." These words are added to the text by virtue of 12 & 13 Geo. 5, c. 17 (U.K.), s. 41.

[2] The text of the section, as originally enacted, had references to the Exchequer of Southern Ireland, the Irish share of reserved taxes, the Irish contribution, and the Irish residuary share of reserved taxes. But the Act is inoperative save in Northern Ireland, and all the provisions of this section must, in their application to Northern Ireland, be read with 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3). See that enactment in Chapter III below, and also p. 43 in Part I of this work.

[3] "Supreme Court of Northern Ireland." For the constitution and jurisdiction of this court see ss. 38 and 40 below. The buildings referred to in this paragraph are "the Royal Courts of Justice, Ulster," at Belfast, already erected (1933) and shortly to be in occupation.

For a similar release of the Northern Ireland taxpayer in respect of accommodation for the Parliament and public departments, see s. 34 and notes thereon below.

[4] "regulations." S. R. & O. 1928, No. 401, is as **Sect. 24** follows:—

1. Payments out of the Consolidated Fund of the United Kingdom to the Exchequer of Northern Ireland in respect of the Northern Ireland residuary share of reserved taxes shall be made by transfer to such account as the Ministry of Finance may desire for credit of the Northern Ireland Exchequer Account.

2.—(1) Payments shall be made in each financial year on the 5th and 25th days of each month, or as near thereto as may be, except that in April one payment only shall be made, namely, on the 25th day of that month, and in March an additional payment shall be made on the 28th day of that month. Each payment shall be the proportion hereinafter specified of such net residuary share of reserved taxes as shall have been provisionally assessed by the Joint Exchequer Board for such financial year, namely up to and including the 5th day of January in any financial year, 1/28th part of such residuary share, and thereafter 1/6th part of the remainder of such residuary share.

(2) During the first three months of any financial year, or until the Joint Exchequer Board shall have assessed the provisional residuary share of reserved taxes for that financial year, whichever shall be the shorter period, the provisional residuary share assessed by the Joint Exchequer Board for the preceding financial year shall be deemed to be the provisional residuary share for the financial year then current, but the payments made thereunder shall be subject to adjustment when the provisional residuary share for the current financial year has been assessed.

3.—(1) On the 15th day (or as near thereto as may be) of the month following the end of each quarter—

(a) The Commissioners of Customs and Excise, the Commissioners of Inland Revenue and the Postmaster-General will report to the Treasury the amount of the reserved taxes collected by their departments in Northern Ireland in the previous quarter;

(b) All departments administering reserved services in Northern Ireland will report to the Treasury their expenditure on those services in the previous quarter.

(2) As soon as may be after the end of each quarter, the

Sect. 24

Commissioners of Customs and Excise and the Commissioners of Inland Revenue will report to the Treasury the difference between reserved taxes as collected in Northern Ireland and the reserved taxes as attributable to Northern Ireland for the previous quarter.

4. As soon as may be after the close of a financial year, a final account of reserved revenue and reserved expenditure shall be rendered to the Joint Exchequer Board by the Treasury, and any adjustment required in respect of advances on account of the Northern Ireland residuary share of reserved taxes for that year shall be made in the next payment after the said account has been approved by the Joint Exchequer Board.

5. A copy of the provisional assessment by the Joint Exchequer Board of the residuary share, and of the final account referred to in the preceding article, shall be forwarded to the Comptroller and Auditor General and to the Ministry of Finance, Northern Ireland.

6.—(1) These regulations may be cited as Joint Exchequer Board Regulations No. 4, and shall apply as from the 1st April, 1928.

(2) Joint Exchequer Board Regulations No. 3 shall continue to apply to the payments remaining to be made after the last-mentioned date in respect of the residuary share of reserved taxes for the year 1927–28, but, except as aforesaid, shall cease to have effect as from such last-mentioned date.

Dated this 17th day of May, 1928.

(Signed) *Colwyn*,

Chairman of the Joint Exchequer Board.

[⁵] Sub-section (3) is repealed by the enactment mentioned in note [²] above. It is printed here because, under that enactment, the principles laid down in the sub-section are to be applied where an apportionment may be necessary in connection with deductions from the Northern Ireland share, or residuary share, of reserved taxes.

[⁶] “made good by deductions.” See, for instance, ss. 27 (2) and 31 below.

Power of
granting
relief from
income tax
and
super-tax.

25.—(1) The Parliament of Northern Ireland shall have power to grant relief⁽¹⁾ from income tax and super-tax or either of those taxes to individuals

resident and domiciled in Northern Ireland; and such relief may be given either generally to all such individuals or to individuals whose total income is less than such amount as may be determined by the Act granting the relief. [There is no sub-section (2).]

(3) Such relief as aforesaid shall be granted by way of repayment of any part or the whole of the income tax or super-tax paid by the individuals to whom the relief is granted, and the Act granting the relief may provide for the amounts so repayable being repaid in like manner as other repayments under the Income Tax Acts.

(4) The making of such repayments shall rest with the Government of Northern Ireland, and the repayments shall be made out of the Consolidated Fund of Northern Ireland:

Provided that the Commissioners of Inland Revenue, and other authorities and officers by whom income tax and super-tax are levied and collected may, at the request and at the expense of the Government of Northern Ireland, make such payments on behalf of the Government of Northern Ireland.

(5) Sums paid under this section, whether or not paid by the Commissioners of Inland Revenue, shall not be taken into account in determining for the purposes of this Act the amount of the Northern Ireland share of reserved taxes.^[2]

[¹] "power to grant relief." This power has not yet (1933) been exercised. For the general reservation to the Parliament of the United Kingdom see s. 22 above.

[²] "Northern Ireland share." "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below. For enactments relating to this share see ss. 23 and 24 above.

26.—(1) Purchase annuities payable in respect of land situate in Northern Ireland,^[1] including any

Provisions
as to land
purchase
annuities.

Sect. 26

arrears thereof due or accruing due on the appointed day, shall be collected by the Government of Northern Ireland,^[1] and the amounts so collected shall be paid into its Exchequer,^[1] but nothing in this Act shall confer on such Government any powers with respect to the redemption of purchase annuities.

(2) In each year a sum equal to the amount payable in that year in respect of purchase annuities shall be paid into the Irish Land Purchase Fund or account, or other appropriate fund or account, out of moneys provided by the Parliament of the United Kingdom.^[2]

(3) Where after the appointed day an existing purchase annuity is redeemed, a sum equal to the annuity shall be paid out of moneys provided by the Parliament of the United Kingdom to the Exchequer of Northern Ireland in each year so long as the purchase annuity would, if not redeemed, have continued to be payable.^[3]

(4) Payments under this section out of moneys provided by the Parliament of the United Kingdom shall not be treated as part of the cost to the Exchequer of the United Kingdom of reserved services, except so far as they represent new purchase annuities.^[3]

(5) For the purposes of this Act—

the expression “purchase annuities,” in addition to purchase annuities as defined in the Purchase of Land (Ireland) Act, 1891, includes annuities for the repayment of advances made under any of the Land Purchase Acts prior to the Purchase of Land (Ireland) Act, 1891, and annuities for the repayment of advances made under the Labourers (Ireland) Act, 1906,^[4] or under any other Act relating to land purchase in Ireland; the expression “existing purchase annuity” means a purchase annuity payable in respect of an

54 & 55
Vict., c. 48.

6 Edw. 7,
c. 37.

Sect. 27

advance made in pursuance of a purchase agreement entered into, or, in the case of a purchase annuity payable under the Labourers (Ireland) Act, 1906,^[4] in pursuance of a scheme approved, before the passing of this Act;

the expression "new purchase annuity" means a purchase annuity payable in respect of an advance made in pursuance of a purchase agreement entered into, or, in the case of a purchase annuity payable under the Labourers (Ireland) Act, 1906,^[4] in pursuance of a scheme approved, after the passing of this Act.

[1] The text of the section has references to Southern Ireland, and to the Government and the Exchequer of Southern Ireland; but the Act is inoperative save in Northern Ireland. As to land purchase, see s. 9 and note [6] thereon above.

[2] For consequential amendment of the financial provisions of the Irish Land Act, 1903, see 15 & 16 Geo. 5, c. 34 (U.K.), s. 5.

[3] For the effect of sub-sections (3) and (4), see pp. 45 and 46 in Part I of this work. The "appointed day" was 22nd November, 1921; see note on s. 73 below.

[4] "the Labourers (Ireland) Act, 1906." This Act enabled advances to be made to rural district councils out of the Land Purchase Fund, for the purpose of providing labourers' cottages and plots under improvement schemes approved by the Government, the advances to be repaid by annuity. The making of such advances, as respects Northern Ireland, has ceased, and other provision has been made by statutes of the Northern Ireland Parliament.

27.—(1) The power of collecting and enforcing the payment of sums due on account of loans made before the appointed day^[1] to authorities and persons in Northern Ireland,^[2] out of the local loans fund, the development fund, the road improvement fund or other similar public fund, shall be transferred to the

Existing
public loans.

Sect. 27

Government of Northern Ireland,^[2] and the amounts so collected by them shall be paid into its Exchequer:^[2]

Provided that this section shall not apply to advances out of the local loans fund for the purposes of the enactments relating to land purchase in Ireland.

(2) A sum equal to the amount due in respect of such loans shall in each year be paid into the appropriate fund out of moneys provided by the Parliament of the United Kingdom, and shall, subject to the deduction of such sum as the Joint Exchequer Board think just to cover such loss as may be anticipated to result from payments on account of any such loans proving to be irrecoverable, be made good by deductions from the Northern Ireland residuary share of reserved taxes^[2] in accordance with regulations made by the Treasury.^[3]

[1] "the appointed day" was 22nd November, 1921; see note on s. 73 below. For Northern Ireland arrangements as to public loans, see pp. 46 and 47 in Part I of this work.

[2] The text of the section had references to Southern Ireland, to the Government and Exchequer of Southern Ireland, and to the Irish residuary share; but the Act is inoperative save in Northern Ireland.

[3] "regulations." The procedure was laid down in a Treasury letter to the National Debt Commissioners, dated 22nd April, 1925.

Provisions
against
double
death
duties.

28.—(1) Where the Commissioners of Inland Revenue are satisfied that estate duty or any duty in the nature of estate duty is payable in Northern Ireland by reason of a death in respect of any property situated in Northern Ireland and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the estate duty payable in Great Britain in respect of that property on the same death.^[1]

(2) Where the Department of the Government of

Sect. 28

Northern Ireland corresponding to the Commissioners of Inland Revenue are satisfied that estate duty is payable in Great Britain by reason of a death in respect of any property situate in Great Britain and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the estate duty or duty in the nature of estate duty payable in Northern Ireland in respect of that property on the same death.^[2]

(3) [Related to relief as between S. and N. Ireland.]^[3]

(4) If any question arises as to whether any property is to be treated for the purposes of this section as situate in Great Britain or in Northern Ireland, the question shall be decided by the Joint Exchequer Board.^[4]

(5) Any Irish Transfer Order^[5] providing for the adaptation of the enactments relating to the resealing or certification in one country of probate or letters of administration or confirmation of executors granted in another country, may provide that the court or officer before resealing or certifying the probate or letters of administration or confirmation shall be satisfied that estate duty, or duty in the nature of estate duty, has been paid in respect of so much, if any, of the estate as is liable to that duty in the country in which the resealing or certification takes place, and for requiring the resealing or certification of probate, letters of administration, or confirmation of executors, in cases where, by virtue of section forty-eight of the Finance (No. 2) Act, 1915, such resealing or certification is not required.

5 & 6 Geo. 5,
c. 89.

[¹] Further provision is made by s. 52 of 17 & 18 Geo. 5, c. 10 (U.K.), which is as follows:—

- “52. Where the Commissioners of Inland Revenue are satisfied that, under a settlement of which the

Sect. 28

forum of administration is in Northern Ireland, succession duty has been paid, or is payable, in Northern Ireland in respect of any settled personal or movable property by reason of the death of a person dying on or after the twenty-second day of November, nineteen hundred and twenty-one, a sum equal to the amount of that duty shall be allowed from the legacy duty or succession duty payable in Great Britain in respect of that property on the same death."

[²] Further provision is made by s. 6 (1) of 17 & 18 Geo. 5, c. 11 (N.I.), which is to the following effect:—

"6.—(1) Where the Ministry of Finance is satisfied that, under a settlement of which the forum of administration is in Great Britain, succession duty has been paid, or is payable, in Great Britain in respect of any settled personal or movable property by reason of the death of a person dying on or after the twenty-second day of November, nineteen hundred and twenty-one, a sum equal to the amount of that duty shall be allowed from the legacy duty or succession duty payable in Northern Ireland in respect of that property on the same death."

[³] This sub-section was virtually repealed by s. 1 (1) of 13 Geo. 5, sess. 2, c. 2. As between Northern Ireland and the Irish Free State, the matter is now governed by a declaration relating to these taxes, which was made by H.M. in Council under s. 5 of the last-mentioned Act—see Chapter III below. Where succession duty is payable in the Irish Free State and legacy or succession duty is payable in Northern Ireland, provision is made by s. 6 (2) of 17 & 18 Geo. 5, c. 11 (N.I.), which is as follows:—

"6.—(2) Where the Ministry of Finance is satisfied that, under a settlement of which the forum of administration is in the Irish Free State, succession duty has been paid, or is payable, in the Irish Free State in respect of any settled personal or movable property by reason of the death of a person dying on or after the first day of April, nineteen hundred and twenty-three, a sum equal to the amount of that duty shall be allowed from the legacy duty or succession duty payable in Northern Ireland in respect of that property on the same death."

For Irish Free State enactments giving relief from double taxation, see Act No. 8 of 1923, and s. 17 of Act No. 18 of 1927. **Sect. 29**

[4] For other similar powers see s. 22 (3) above and s. 32 (3) below.

[5] See S. R. & O. 1922, Nos. 80 and 81, and 1923, No. 613, in Chapter VIII below. For statutory provisions passed since these Orders were made, see 15 & 16 Geo. 5, c. 49 (U.K.), s. 169; 18 & 19 Geo. 5, c. 26 (U.K.), s. 10; and 22 Geo. 5, c. 11 (U.K.), s. 2. The last-mentioned enactment will be found in Chapter V below.

29.—(1) Where an instrument is chargeable with stamp duty in Great Britain and in Northern Ireland, and has been stamped in any one of those countries, the instrument shall, to the extent of the duty it bears, be deemed to be stamped in the other country:

Provisions
against
double
stamp
duties.

Provided that, if the stamp duty chargeable on any instrument in such other country exceeds the stamp duty chargeable in respect of that instrument in the country in which the instrument has previously been stamped, the instrument shall not be deemed to have been duly stamped in such other country unless and until stamped in accordance with the laws of that country with a stamp denoting an amount equal to such excess.^[1]

(2) Where composition for stamp duty is made or agreed to be made in any one of such countries, any instrument which by virtue of the composition is exempt from the payment of duty in that country shall, for the purposes of this section, be treated in any other such country as having been stamped in the first-mentioned country with a stamp denoting the amount of duty which, but for the composition, would have been chargeable on that instrument: 2

Provided that, if the legislature of such other country has imposed any conditions on the recognition therein

Sect. 29

of any composition made or agreed to be made in the first-mentioned country, this sub-section shall not apply unless those conditions are complied with.^[2]

[¹] This section originally made provision for relief also as between Southern and Northern Ireland, but it was virtually repealed *pro tanto* by 13 Geo. 5, sess. 2, c. 2, s. 1 (1). As between Northern Ireland and the Irish Free State, a declaration made by H.M. in Council under s. 5 of the last-mentioned Act is now operative. See Chapter III below, and also note [³] to s. 28 above. For the effect of the provision, compare *Estate of C. G. Macartney* [1933] L.R. (N.I.) 1; 66 I.L.T.R., 189.

[²] See, in this connection, the Colonial Stock Acts, 1877 to 1900, and s. 3 of the Colonial Development Act, 1929.

[*S. 30 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).*]

Irish Church
Fund.

31. The Irish Church Temporalities Fund shall belong to and be apportioned between the Governments of Southern Ireland and Northern Ireland in such manner as may be determined by the Joint Exchequer Board, and the parts apportioned to the several governments shall be managed, administered, and disposed of as directed by Act of the appropriate Parliament: ^[1]

Provided that all existing charges on that fund shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Northern Ireland ^[2] residuary share of reserved taxes, in accordance with regulations made by the Treasury.

[¹] "Act of the appropriate Parliament." The Act of 1920 is inoperative save in Northern Ireland. As between the Northern Ireland and the Irish Free State Governments, an agreed apportionment was arrived at. The property which became the subject-matter of any Act of the Parliament of Northern Ireland consisted of revenues which belonged to the Church of Ireland prior to its disestablishment under 32 & 33 Vict., c. 42. These were administered by Church Temporalities Commissioners, and

passed from them to the Irish Land Commission established in the year 1881. The Ministry of Finance for Northern Ireland succeeded to the Land Commission in respect of this matter in Northern Ireland—see s. 8 above and Chapter VI below—and the Northern Ireland apportioned part of the Church Temporalities Fund is vested in that Ministry by virtue of orders of the Joint Exchequer Board, dated 24th May, 1922, and 4th July, 1923, and the enactments referred to below in this note.

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The property thus vested consisted of—

- (a) any part of the fund consisting of land situate in Northern Ireland, or an interest in land so situate;
- (b) any part of the fund consisting of revenues derived from land, or an interest in land, situate in Northern Ireland;
- (c) fifteen per cent of any securities or other assets of the fund other than such revenues.

The first Act of the Northern Ireland Parliament was 12 & 13 Geo. 5, c. 13, which empowered the Ministry of Finance to administer the fund, and made provision for the payment out of voted moneys of the charges which, if not paid, would be made good under the proviso to the section to which this note refers. By 13 & 14 Geo. 5, c. 4, ss. 3, 4, and 8 (3), a sinking fund was established, and the separate Church Temporalities (Capital) Account was merged in the Capital Fund established by that statute. For other enactments see S. R. & O. 1922, No. 352, Article 8, set out in Chapter VIII below; 15 & 16 Geo. 5, c. 17, s. 12; 16 & 17 Geo. 5, c. 16, s. 1 (4); 18 & 19 Geo. 5, c. 21, s. 1; 20 Geo. 5, c. 4 (1930), s. 3; 20 & 21 Geo. 5, c. 22; 22 & 23 Geo. 5, c. 16, s. 3. For the details of administration see pp. 54 and 61 of the Report of the Ministry of Finance (1927-1929), Cmd. 117, 1930. Belfast: H.M. Stationery Office.

[¹] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below.

32.—(1) For the purposes of the financial provisions of this Act there shall be established a Board to be called the Joint Exchequer Board, consisting of one

Joint
Exchequer
Board.

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member appointed by the Treasury, one member appointed by the Treasury of Northern Ireland, and a chairman appointed by His Majesty.^[1]

(2) The authority by whom a member (including the chairman) is appointed may appoint a deputy who shall be entitled to act for the member at any meeting of the Joint Exchequer Board which the member is unable to attend.

(3) It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, or in pursuance of any Irish Transfer Order^[2] made under this Act, and also to determine any other matter in connexion with the Northern Ireland^[3] residuary share of reserved taxes, or Irish revenue or expenditure, or the cost of any reserved service which may be referred to them for determination jointly by the Treasury and the Treasury of Northern Ireland,^[4] and also to determine for the purposes of this Act whether any tax is substantially the same in character as, or has been imposed in lieu of, another tax, and, subject to the provisions of this Act as to appeals^[5] from decisions of the Board, the decision of the Board on any matter which is to be determined by them shall be final and conclusive.^[6]

(4) Any vacancy arising in the office of a member of the Board shall be filled by the authority by whom the member whose place is vacant was appointed.

(5) The Board may act by a majority and notwithstanding any vacancy in their number; the quorum at any meeting of the Board shall be three; subject to the provisions of this Act, the Board may regulate their own procedure.

(6) There shall be paid to the chairman such salary or remuneration as the Treasury may determine, and the amount thereof shall be charged on and payable

out of the Consolidated Fund of the United Kingdom **Sect. 33**
or the growing produce thereof.

[¹] This sub-section is set out with the change of constitution effected by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 5, in Chapter III below. The "Treasury of Northern Ireland" is defined in s. 74, and refers to the Ministry of Finance—see Chapter VI below. When the Board was first constituted, in 1921, the Southern Ireland representative was appointed by the Lord Lieutenant under S. R. & O. 1921, No. 2005. The Board meets at the Treasury Chambers in London.

[²] "Irish Transfer Order." See s. 69 and Chapter VIII below.

[³] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below.

[⁴] Or separately by the Treasury or the Treasury of Northern Ireland. See the enactment mentioned in note [³] above.

[⁵] "as to appeals." See ss. 51 and 52 below.

[⁶] For other provisions see ss. 22 (3) and 28 (4) above.

33. Any stock or securities issued in respect of any loan raised by the Government of Northern Ireland^[1] shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893, or the Trusts (Scotland) Acts, 1861 to 1910.^[2]

Power of
trustees
to invest in
Northern
Ireland
securities.
56 & 57
Vict., c. 53.

[¹] "stock or securities . . . Government of Northern Ireland." See Northern Ireland Acts 12 & 13 Geo. 5, c. 3, and 21 & 22 Geo. 5, c. 24, s. 9 (Ulster Savings Certificates), and 15 & 16 Geo. 5, c. 17 (Ulster Loans Stock).

[²] "Trustee Act, 1893, . . ." The Act of 1893 applies in Northern Ireland. As to England and Wales, see now ss. 1 (1) (g) and 2 of the Trustee Act, 1925 (15 & 16 Geo. 5, c. 19); and, as to Scotland, s. 10 of the Trusts (Scotland) Act, 1921 (11 & 12 Geo. 5, c. 58). S. 38 (1) of 52 & 53 Vict., c. 63, provides that where an Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions

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Temporary
provision as
to payments
into and out
of the
Northern
Ireland
Exchequer.

so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

34.—(1) There shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof and, as soon as may be after the appointed day,^[1] paid thereout to the Exchequer of Northern Ireland, such sums as the Joint Exchequer Board may certify^[2] to be necessary for the purpose of providing buildings (including the sites thereof) and for their equipment for the accommodation of the Parliament and public departments in Northern Ireland.^[3]

[Sub-section (2) spent.]^[4]

[¹] “the appointed day” was 3rd May, 1921—see note to s. 73 below. The text contains references to Southern Ireland, but the Act is inoperative save in Northern Ireland.

[²] “the J.E.B. may certify.” These certificates are applicable to the expense of providing the buildings, etc., referred to in note [³] following. Compare also s. 24 (1) (b) above. For a special payment under s. 34 (1), see 14 & 15 Geo. 5, c. 13 (N.I.), s. 1 & Sched.

[³] “the Parliament and public departments in Northern Ireland.” The main accommodation for these is at Stormont, near Belfast. See note [²] on s. 8 above.

[⁴] Sub-section (2) of this section made temporary provision for issues out of the newly-established Exchequer of Northern Ireland. As to the steps taken thereunder, see p. 45 in Part I of this work.

[*Ss. 35–6 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).*]^[11]

[¹] These sections had reference to Irish union; they are set out in Appendix B below.

LORD LIEUTENANT.^[1]

Office of
Lord
Lieutenant.

37.—(1) Notwithstanding anything to the contrary in any Act, no subject of His Majesty shall be disqualified for holding the office of Lord Lieutenant of Ireland on account of his religious belief.^[2]

(2) The term of office of the Lord Lieutenant^[3] **Sect. 37** shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment, and with the intent that the continuance in office of the Lord Lieutenant shall not be affected by any change of ministry.

(3) The salary and expenses of the Lord Lieutenant shall be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Northern Ireland residuary share of reserved taxes^[4] in each year, towards the payment of the Lord Lieutenant's salary, a sum of two thousand pounds.^[5]

[1] "Lord Lieutenant." As originally enacted, s. 8 of the Act (p. 15 above) contemplated an identical delegation of the executive power of His Majesty as respects Southern Ireland and Northern Ireland, with a separate Cabinet (Executive Committee of the Privy Council of Ireland) as respects each of those parts of Ireland, to aid and advise the Lord Lieutenant in the exercise of his power in relation to Irish services in the area for which such Cabinet was appointed.

The 19th April, 1921, was fixed as the "appointed day" for the provisions of section 37 relative to the qualification and term of office of the Lord Lieutenant of Ireland, by S. R. & O. 1921, No. 533, and Lord FitzAlan of Derwent (formerly Lord Edmund Talbot) became Lord Lieutenant under the new conditions. As explained in Part I of this work, the provisions of the Act did not effectively operate in Southern Ireland. Thus, although the Lord Lieutenant for a time exercised executive power in Southern Ireland, Ministers were not appointed, nor was a Parliament sitting to which Ministers could be responsible. In Northern Ireland the Lord Lieutenant executed his office in accordance with the provisions of the Act until the 8th December, 1922, when the legal separation of Northern Ireland from the Irish Free State was accomplished, and a separate Governor and Privy Council were constituted for Northern Ireland.

Section 37 applies to the Governor by virtue of 13 Geo. 5,

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sess. 2, c. 2, 1 Sched. 1 (1) (see Chapter III, p. 221 below). For other provisions as to the Governor, see ss. 8, 11 (2), 12, 44 (2), 45.

[²] The effect of this sub-section was to repeal so much of section 12 of the Roman Catholic Relief Act, 1829 (10 Geo. 4, c. 7), as provided that the relief from disqualification given by that Act should not extend to the office of Lord Lieutenant of Ireland.

[³] "The term of office of the Lord Lieutenant" [now the Governor]. (a) His Majesty appoints the Governor by Commission under the Royal Sign Manual and Signet. The Duke of Abercorn was so appointed on the 9th December, 1922, and reappointed for a second period of six years as from the 9th December, 1928. On appointment, the Governor attends at the Courts of Justice in Belfast, where, after the Royal Warrant of appointment has been read by a Minister of Northern Ireland, the oath of allegiance and the official oath are administered to the Governor by the Lord Chief Justice or some other Judge of the Supreme Court. When the Governor has taken the oaths he proceeds to hold a meeting of the Privy Council, at which H.M.'s Instructions are read to the members of the Cabinet. (See Belfast Gazette, December 15th, 1922; December 21st, 1928.)

The holding of the office of Governor would not be affected by a demise of the Crown—Demise of the Crown Act, 1901, 1 Edw. 7, c. 5.

(b) The exercise by the Governor of his powers is regulated by two instruments. The first of these, the Royal Letters Patent constituting the office of Governor, was described in Part I of this work (p. 35). In addition to the bestowal of powers, this instrument provides for the keeping and use by the Governor of the Great Seal of Northern Ireland (Art. IV), and grants to the Governor (Art. V) "full power and authority of naming and appointing by Letters Patent under the Great Seal of Northern Ireland in Our name from time to time such person or persons, and the survivor or survivors of them, as Our said Governor in this behalf shall think proper to be our Deputy or Deputies, Justice or Justices, during Our pleasure, for the government of Northern Ireland in his absence from Northern Ireland." Amending Letters Patent

of the 14th September, 1929, provide that in the event of the death, incapacity, or removal of the Governor, the powers of the office shall, until the further pleasure of His Majesty is signified, be vested in such person or persons as may be appointed by His Majesty, and, in case there shall be no person or persons in Northern Ireland so appointed by him, then "in the Deputy or Deputies, Justice or Justices, approved by Us for the government of Northern Ireland during the absence of Our said Governor from Northern Ireland" (*i.e.*, under Art. VI). **Sect. 37**

In addition to the Letters Patent constituting the office, Instructions were issued on the 9th December, 1922, which are applicable to the Governor or other the Chief Executive Officer or Officers for the time being appointed in his place. These Instructions make provision for the reading and publication by the Governor of his Commission of appointment (Art. I), for his taking of the oaths (Art. II), and communicating the Instructions to the members of the Executive Committee of Northern Ireland (Art. III). The Instructions also contain the following:—

"IV. Our said Governor shall not assent in Our Name to any Bill passed by the Senate and House of Commons of Northern Ireland which We have specially instructed him through one of Our Principal Secretaries of State to reserve.

V. In the exercise of the powers of pardoning and repriming offenders or remitting sentences which are exerciseable by him by virtue of Our said Letters Patent, Our said Governor shall act in accordance with the following special instructions:—

- (a) He shall not grant a pardon, reprieve, or remission of sentence in respect of an offence committed in Northern Ireland without first receiving in capital cases the advice of the Executive Committee of Northern Ireland, and in other cases the advice of one at least of the Ministers of Northern Ireland.
- (b) Except in the case of an offence of a political nature, he shall not make it a condition of any pardon or remission of sentence that an offender who is a British subject shall be

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banished from or absent himself from Northern Ireland.

- (c) In any case in which a pardon or reprieve might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of Northern Ireland, he shall, before deciding as to either pardon or reprieve, take these interests specially into his own personal consideration in conjunction with such advice as he is required to take by paragraph (a) of these special instructions.

Provided that these special instructions shall not apply in the case of treason or treason felony.

- VI. Our said Governor shall not quit Northern Ireland without having first obtained from Us through one of Our Principal Secretaries of State leave for so doing, and Our approval of the person or persons to be appointed Deputy or Deputies, Justice or Justices, in his absence from Northern Ireland."

The procedure for leave of absence under Art. VI is as follows: On the first occasion on which a newly-appointed Governor desires to leave Northern Ireland, he applies to His Majesty through a Secretary of State for permission, and in his letter submits the names of his proposed deputies. His Majesty then by Warrant grants a general leave to the Governor to absent himself from Northern Ireland from time to time, in the Governor's discretion, whenever the latter considers it necessary for the purpose of public or private business; and at the same time His Majesty signifies his approval of the persons proposed to be appointed as deputies. These persons are then appointed by Letters Patent, for the purpose of being called upon to act as "Lords Justices for the government of Northern Ireland" as occasion may require. On each such occasion the oath of allegiance and the oath of office are administered in the Privy Council of Northern Ireland to the Lords Justices who may have been called upon to act. These arrangements follow those which were adopted, in accordance with long-established practice, for the govern-

ment of Ireland during the absence of the Lord Lieutenant. **Sect. 40**
 There is reason to think that the leave procedure in Elizabethan times was closely similar; in reference to an application of the Earl of Essex for leave from duty as Lord Deputy of Ireland, Queen Elizabeth wrote: "After you shall have certified Us to what form you have reduced things in the North . . . you shall with all speed receive Our warrant, without which We do charge you, as you tender Our pleasure, that you adventure not to come out of that Kingdom by virtue of any former license whatever."

(c) The usual designation of the Governor of Northern Ireland would be "His Excellency." When a Duke holds the office he is styled "His Grace."

[⁴] "Northern Ireland" substituted for "Irish" (see note on s. 24 (2) above, p. 51).

[⁵] £2,000 substituted for £5,000 as deduction for Governor's salary. The salary is £8,000. (See 13 Geo. 5, sess. 2, c. 2, 1 Sched. 1 (2), in Chapter III below, p. 221.)

PROVISIONS AS TO COURTS OF LAW AND JUDGES.

38. The Supreme Court of Judicature in Ireland shall cease to exist, and there shall be established in Ireland^[1] a court having jurisdiction in Northern Ireland, to be called the Supreme Court of Judicature of Northern Ireland. Establishment of courts.

[¹] The Act is inoperative save in Northern Ireland. The appointed day for the establishment of the Supreme Court of Northern Ireland was 1st October, 1921—see s. 73 and note thereon below.

—[S. 39 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]

40.—(1) The Supreme Court of Judicature of Northern Ireland shall consist of two divisions, one of which, under the name of His Majesty's High Court of Justice in Northern Ireland, shall in Northern Ireland have and exercise all such jurisdiction as is now exercised by His Majesty's High Court of Justice in Divisions and constitution of Supreme Court of Northern Ireland.

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Ireland and by the judges of that court (including the land judges)^[1], and the other of which, under the name of His Majesty's Court of Appeal in Northern Ireland, shall in Northern Ireland have and exercise all such jurisdiction as is now exercised by His Majesty's Court of Appeal in Ireland.^[2]

(2) The High Court of Justice in Northern Ireland and the Court of Appeal in Northern Ireland shall, subject to the provisions of Part III of the Seventh Schedule to this Act, be constituted in manner provided by Part II of that Schedule.^{[3] [4]}

[1] "land judges." Under 40 & 41 Vict., c. 57, the jurisdiction of the judges of the Landed Estates Court passed to the Chancery Division of the High Court, and was exercised by the land judges of that division.

[2] The reports of cases argued and determined in these two courts are contained in "The Northern Ireland Law Reports," edited under the direction of the Incorporated Council of Law Reporting for Northern Ireland, and published by them annually at Belfast. This series commenced with the year 1925. Decisions of these courts prior to 1925 are to be found in the Irish Reports published at Dublin.

[3] For Parts II and III of the Seventh Schedule see pp. 148, 149 below.

[4] By 20 & 21 Geo. 5, c. 45, the Parliament of the United Kingdom established a Court of Criminal Appeal in Northern Ireland, and provided that all the judges of the Supreme Court of Judicature of Northern Ireland should be judges of the Court of Criminal Appeal. The court was made a superior court of record, and the Lord Chief Justice, if present (and in his absence the senior member of the court), is to be president of the court. The court has jurisdiction to determine appeals in the case of—

- (a) a person convicted on indictment;
- (b) a person tried and convicted on a criminal information or coroner's inquisition;
- (c) a parent or guardian against whom an order is made under s. 99 of 8 Edw. 7, c. 67, by a court of assize or court of quarter sessions;

(d) a person sentenced to detention in a Borstal institution by a court, under s. 10 of 4 & 5 Geo. 5, c. 58. **Sect. 41**

A person to whom the right of appeal is given may appeal—

- (1) against his conviction on any ground of appeal which involves a question of law alone;
- (2) with the leave of the court, or upon the certificate of the trial judge that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the court or to such judge to be a sufficient ground of appeal;
- (3) with the leave of the court, against the sentence passed on his conviction, unless the sentence is one fixed by law.

A person sentenced to penal servitude and preventive detention in pursuance of 8 Edw. 7, c. 59, may appeal against the sentence without the leave of the court.

If in any case the prosecutor or defendant obtains the certificate of the Attorney-General for Northern Ireland that the decision of the court involves a point of law of exceptional public importance, and that it is desirable in the public interest that a further appeal should be brought, he may appeal from that decision to the House of Lords; but, subject thereto, the determination by the Court of Criminal Appeal of any appeal or other matter which they have power to determine shall be final, and no appeal shall lie from that court to any other court.

The Act gives power to the Minister of Home Affairs for Northern Ireland to refer to the Court of Criminal Appeal certain questions arising on petitions for the exercise of His Majesty's mercy, having reference to the conviction of a person on indictment or to the sentence (other than sentence of death) passed on a person so convicted.

41.—(1) Subject to the provisions of this Act and any modifications or adaptations made by Irish Transfer Orders under this Act,^[1] all enactments relating to the Supreme Court of Judicature in Ireland and the judges^[2] and officers thereof shall apply to the Supreme

Application of existing enactments and rules.

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Court of Judicature in Northern Ireland and the judges and officers thereof, as they apply to the Supreme Court of Judicature in Ireland and the judges and officers thereof, and as if for references to the High Court of Justice in Ireland there were substituted references to the High Court of Justice in Northern Ireland, and as if for references to the Court of Appeal in Ireland there were substituted references to the Court of Appeal in Northern Ireland:

40 & 41
Vict., c. 57.

Provided that where, but for this provision, an appeal under section fifty-one of the Supreme Court of Judicature Act (Ireland), 1877, would lie to a divisional court, whether by way of motion for new trial or otherwise, an appeal shall lie to the Court of Appeal in Northern Ireland instead of to a divisional court.^[3]

(2) The existing rules of court^[4] made under the enactments relating to the Supreme Court of Judicature in Ireland shall be deemed to have been made under those enactments as applied by this Act to the Supreme Court of Judicature in Northern Ireland, and shall have effect accordingly, with the necessary modifications, in Northern Ireland; and any such rules of court may be altered or annulled as if they had been made under those enactments as so applied.

^[5][(3) and (4) repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]

^[1]“Irish Transfer Orders under this Act.” See s. 69 of the Act, and also the Orders set out in Chapter VIII below.

^[2]“judges.” As to judges’ salaries and pensions, see s. 1 of 16 & 17 Geo. 5, c. 44.

^[3]“Provided that . . . instead of to a divisional court.” This relates to (a) a motion for a new trial of any cause or matter on which a verdict has been found by a jury; (b) a motion in arrest of judgment, or to enter judgment *non obstante veredicto*, or to enter a verdict for plaintiff or defendant, or to enter a non-suit, or to reduce damages.

[4] "rules of court." As to the rule-making authority in Northern Ireland, see s. 1 of 18 & 19 Geo. 5, c. 24, in Chapter V below. Sect. 41

[5] Sub-section (3) related to registration and enforcement of judgments as between Northern and Southern Ireland under the Judgments Extension Act 1868 (31 & 32 Vict., c. 54).

Before its express repeal this sub-section had become inoperative by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1 (1). The Judgments Extension Act, 1868, applies as between Great Britain and Northern Ireland by virtue of sub-section (1) of this section. The English Courts have held that the Act of 1868 ceased to operate in Southern Ireland on 5th December, 1922. See *Wakely v. Triumph Cycle Co., Ltd.* [1924] 1 K.B., 214; 57 I.L.T., 273; *Banfield v. Chester* [1925] 41 T.L.R., 563. *Wakely's* case was followed by the Court of King's Bench of Northern Ireland in *Callan v. McKenna* [1929] L.R. (N.I.) 1. The Courts of the Irish Free State have taken a different view. See *Gieves, Ltd., v. O'Connor* [1924] 2 I.R., 182.

See, however, the Provisional Government (Transfer of Functions) Order, 1922, S. R. & O. 1922, No. 315, article 13 (i) of which provides that, subject as therein mentioned, all existing laws, institutions, and authorities in Southern Ireland, whether judicial, administrative, or ministerial, shall continue as if the Order had not been made, subject to the modifications necessary for adapting them to the Order, and, in particular, to certain modifications set forth in the same article. This S. R. & O. was made under powers conferred by the Irish Free State (Agreement) Act, 1922 (12 Geo. 5, c. 4), for the purpose of carrying out a "provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof [*i.e.*, 6th December, 1921] and the constitution of a Parliament and Government of the Irish Free State." The text of the Act of 1922 is set out in Chapter II below.

Sub-section (4) of s. 41 prohibited the naming of a Northern judge in a Southern commission of assize, and *vice versa*.

[Ss. 42-3 repealed (see 13 Geo. 5, sess. 2, c. 2, s. 1, Sch. 1, para. 6 (1)) by 17 & 18 Geo. 5, c. 42 (S.L.R.).]^[1]

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[¹] For these sections which had reference to the High Court of Appeal for Ireland, see Appendix B below.

Provisions
as to Lord
Chancellor.

44.—[(1) inoperative.]

(2) Nothing in this Act shall affect any jurisdiction exercised by the Lord Chancellor^[1] in respect of and on behalf of His Majesty as visitor of any college or other charitable foundation; but, save as aforesaid, the Lord Chancellor shall not exercise any executive functions, and the Lord Chancellor shall cease to be Keeper of the Great Seal of Ireland, and the custody thereof and such executive functions as aforesaid shall be transferred to the Lord Lieutenant.^[2]

[¹] "Lord Chancellor." Office abolished by 13 Geo. 5, sess. 2, c. 2, s. 2, Sched. 2, Pt. II. For adaptation of references in enactments to the Lord Chancellor, see Chapter VIII below.

[²] "Lord Lieutenant." Now the Governor, who is the Keeper of the Great Seal of Northern Ireland. See 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, in Chapter III below.

Provisions
as to
Master of
the Rolls.

45. Any jurisdiction of the Master of the Rolls in Ireland with respect to public records in his custody shall be transferred to the Lord Lieutenant.^[1]

[¹] "Lord Lieutenant." Now the Governor. Certain public records are now in the custody of the Minister of Finance, in the name and on behalf of the Governor, and the Minister appoints a Deputy Keeper of the Records. See 13 & 14 Geo. 5, c. 20 (N.I.), and note [⁵] on s. 9 (2) above.

Transitory
provisions.

46. The provisions set out in Part III of the Seventh Schedule to this Act shall have effect with respect to existing judges and officers of the Supreme Court of Ireland (including officers attached to that court), existing barristers, solicitors and solicitors' apprentices, and pending proceedings.^[1]

[¹] For these provisions see pp. 149-153 below.

47.—(1) All matters relating to the Supreme Court of Northern Ireland shall be reserved matters.^[1] The reservation of matters relating to the Supreme Court,^[2] as aforesaid, shall not extend to the regulation of the profession of solicitors.^[3]

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Provisions
as to
judicature.

[1] "reserved matters." As to reserved matters, see ss. 8 and 9 above. For later enactments as to the scope of this particular reservation, see 16 & 17 Geo. 5, c. 44, s. 3; 18 & 19 Geo. 5, c. 24, s. 1; and 22 Geo. 5, c. 11, s. 1; all referred to in Chapter V below.

[2] "the Supreme Court." The text refers to "Supreme Courts" (*i.e.*, also the Southern Court and the all-Ireland Court); but the Act is inoperative except as regards the Northern Ireland Supreme Court.

[3] "solicitors." Apart from this exception, the solicitors' profession might have been regarded as a "matter relating to the Supreme Court." See, especially, s. 78 of 40 & 41 Vict., c. 57, which provides that all persons admitted as solicitors of, or empowered to practise in, the High Court or Court of Appeal are to be deemed to be officers of the Court of Judicature, and are placed, in certain matters, under the jurisdiction of that court and the High Court of Justice and Court of Appeal.

By Royal Charter dated 10th July, 1922, the members of the Northern Law Society and certain other persons were incorporated by the name of "The Incorporated Law Society of Northern Ireland," for the purpose of exercising, as respects persons practising or intending to practise as, or bound or about to be bound under indentures of apprenticeship to, solicitors of the Supreme Court of Judicature of Northern Ireland, the like jurisdiction as was formerly exercised by the Incorporated Law Society of Ireland as respects such persons. By 12 & 13 Geo. 5, c. 19 (N.I.), the Solicitors (Ireland) Act, 1898 (61 & 62 Vict., c. 17), was applied to the Northern Ireland Society, so as to enable it to exercise the jurisdiction above-mentioned.

The committee upon whose recommendation, and with whose concurrence, rules of the Supreme Court are made by the Governor in Council, must include a solicitor prac-

Sect. 47

tising in Northern Ireland, and appointed for the purpose by the Lord Chief Justice.

As to relief from double stamp duty on solicitors' certificates, see 20 Geo. 5, c. 2 (N.I.), s. 1.

County
court
judges.

48.—(1) A judge of any county court, or other court with a like jurisdiction in Northern Ireland,^[1] appointed after the appointed day,^[2] shall be appointed by the Lord Lieutenant,^[3] and shall hold his office on the same tenure^[4] as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Parliament of Northern Ireland for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his rate of pension altered without his consent.

(2) Such rearrangement of the areas within the jurisdiction of county court judges shall be made by order of the Lord Lieutenant that the area of jurisdiction of any such judge shall be wholly within Northern Ireland.^[5]

[1] "Northern Ireland." The text of the statute reads "Ireland," but it is inoperative save in Northern Ireland.

[2] "appointed day." This was 22nd November, 1921, by virtue of S. R. & O. 1921, No. 1696, set out in note [1] to s. 73 below. As to county court judges existing at the appointed day, see s. 54 below.

[3] "Lord Lieutenant." Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1 (1).

[4] "on the same tenure." That is, during good behaviour; removable by the Crown upon an address of both Houses of Parliament. The salaries are payable out of the Consolidated Fund. See 14 & 15 Vict., c. 57, ss. 2 and 4; and S. R. & O. 1921, No. 1804, Art. 6 (1), set out in Chapter VIII below. As to county court judges, see also s. 74 and Appendix A below.

[5] The Lords Justices and General Governors of Ireland, by order of 19th November, 1921, dealt with the case where one judge acted for Armagh (N.I.) and Louth (S.I.), and

another for Monaghan (S.I.) and Fermanagh (N.I.). The order appointed one judge to the counties of Armagh and Fermanagh in Northern Ireland, and the other judge to the two remaining counties. See Belfast Gazette, 25th November, 1921, p. 161. **Sect. 49**

49. An appeal shall lie from the Court of Appeal in Northern Ireland^[1] to the House of Lords^[2]—

Appeals from the Court of Appeal in Northern Ireland.

(a) in any case where under existing enactments such an appeal would lie from the existing Court of Appeal in Ireland to the House of Lords;

(b) in any case where a person is aggrieved by any decision of the Court of Appeal in Northern Ireland^[1] in any proceedings taken by way of certiorari, mandamus, quo warranto or prohibition;

(c) in any case where a decision of the Court of Appeal in Northern Ireland^[1] involves a decision of any question as to the validity of any law made by or having the effect of an Act of the Parliament of Northern Ireland, and the decision is not otherwise subject to appeal:

Provided that—

(i) where under the existing enactments an appeal does not lie to the House of Lords, except with the leave of the existing Court of Appeal in Ireland, an appeal under this section shall not lie except with the leave of the Court of Appeal in Northern Ireland;^[1]

(ii) an appeal shall not lie in the cases mentioned in paragraph (c) of this section, except with the leave of the Court of Appeal in Northern Ireland^[1] or the House of Lords.

[1] "Court of Appeal in Northern Ireland." By 13 Geo. 5, sess. 2, c. 2, Sch. 1, para. 6 (1) (3), this court was substituted for the "High Court of Appeal for Ireland" set

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up by s. 38 of the Act of 1920. See Chapter III and Appendix B, below.

[¹] "House of Lords." The position as regards appeals to the House of Lords is as follows:—

(a) *Appeals from Irish Courts until the above section came into operation.*—The history of this matter may conveniently be divided into three periods:—

(i). From a pamphlet assigned to the date 1623 it appears that appeals to England were then numerous: "Many of the inhabitants there [*i.e.*, in Ireland] resort daily here with causeless complaints, and that after their cause received a legal trial before in Ireland, and a judgment passed there upon them; and after, upon pretence of some equity or commiseration, it is summarily heard there again before the state there at the Council board; yet will they not rest satisfied, but must repair to His Majesty and the Lords here, and renew before them the whole cause."—*Advertisements for Ireland*; M.S. in T.C.D. Library; Ed. G. O'Brien; published by the Royal Society of Antiquaries of Ireland. Dublin, 1923.

After the accession of George I. a conflict of jurisdiction arose. At that time the English House of Lords was the ultimate appellate tribunal from the English Courts of Chancery and Common Law, and it assumed the same jurisdiction over the Irish Courts. In *Annesley v. Sherlock*, a suit in the Irish Court of Exchequer, appeals were taken both to the Irish House of Lords and to the English House of Lords. These tribunals pronounced disagreeing judgments, each claiming to be the ultimate court of appeal, and neither would give way. The result was a declaratory statute of the Parliament of Great Britain affirming the judicial superiority of the House of Lords at Westminster—6 Geo. 1, c. 5 (1719)—which enacted "that the House of Lords of Ireland have not, nor of right ought to have, any jurisdiction to judge of, affirm, or reverse any judgment, sentence, or decree given or made in any court within the said kingdom [of Ireland]."

(ii). The Act of 1719 remained in force until 1782. This was a period of growing energy on the part of the Irish Parliament, which resulted in the repeal of the Act of 6 Geo. 1. The repeal was followed, in 1783, by the Renunciation Act (23 Geo. 3, c. 28), which affirmed the right "claimed

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by the people of Ireland to be bound only by laws enacted by His Majesty and the parliament of that kingdom, in all cases whatever, and to have all actions and suits at law or in equity, which may be instituted in that kingdom, decided in His Majesty's courts therein, finally and without appeal from thence." The statute expressly provided that no writ of error or appeal should be received or adjudged, or any other proceeding be had, by or in the English courts, in any action or suit at law or in equity instituted in the Irish courts. The Irish House of Lords exercised jurisdiction until 1800, when this provision was modified by the Act of Union.

(iii). The Act 39 & 40 Geo. 3, c. 67, made provision that all courts of civil and ecclesiastical jurisdiction within Ireland should remain as then by law established: "provided that all writs of error and appeals . . . hereafter to be brought, and which might now be finally decided by the House of Lords of either kingdom, shall, from and after the union, be finally decided by the House of Lords of the United Kingdom." The Appellate Jurisdiction Act, 1876 (39 & 40 Vict., c. 59), and the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict., c. 57), preserved the then existing rights of appeal and did not extend them. In *The Earl of Gosford v. Irish Land Commission* [1899] A.C. 435, the appellant petitioned the House of Lords against an order of the Irish Court of Appeal affirming an order of the Queen's Bench Division refusing writs of certiorari and mandamus against the Irish Land Commission; the House decided that no appeal lay to them from an interlocutory order of the Queen's Bench Division in Ireland, or from an order on appeal therefrom made by the Irish Court of Appeal. In *Reg. v. Barton* [1902], A.C. 268, it was decided that no appeal lay to the House of Lords from an order of the Irish Court of Appeal with respect to the issue of a writ of certiorari.

(b) *Appeals from Northern Ireland under the above section.*—The effect of the Government of Ireland Act, and the subsequent enactments, is to widen the appellate jurisdiction of the House of Lords. S. 49 (b) expressly gives jurisdiction in cases such as *The Earl of Gosford's case* and *Barton's case*. Moreover, the appeal as to the validity of a law made by the Northern Ireland Parliament is a channel

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through which cases may reach the House of Lords from various courts of first instance. S. 50 (below) provides that an appeal shall lie to the Northern Ireland Court of Appeal "where any decision of a court in Northern Ireland" involves a question as to the validity of such a law, and the decision is not otherwise subject to appeal to the Court of Appeal. When any case of this kind reaches the Court of Appeal, it falls within paragraph (c) of s. 49, and may be taken (with leave) to the House of Lords.

(c) *Appeals from the Court of Criminal Appeal in Northern Ireland.*—Before the enactment of the Criminal Appeal (Northern Ireland) Act, 1930 (20 & 21 Geo. 5, c. 45), there was in Northern Ireland no appeal to the House of Lords in any criminal cause or matter, except for error on the record. S. 18 of the 1930 Act abolished writs of error and repealed the Crown Cases Act, 1848 (11 & 12 Vict., c. 78), under which questions in criminal causes could be reserved for the decision of the Northern Ireland Court of Appeal. By s. 6 of the 1930 Act the decision of the Court of Criminal Appeal in Northern Ireland is final; except that if the Attorney-General gives a certificate that the decision of the Court "involves a point of law of exceptional public importance, and that it is desirable in the public interest that a further appeal should be brought," the prosecutor or defendant may appeal to the House of Lords.

Appeals
where
validity of
Northern
Ireland law
questioned.

50. Where any decision of a court in Northern Ireland^[1] involves the decision of any question as to the validity of any law made by or having the effect of an Act of the Parliament of Northern Ireland, and the decision is not under the existing enactments subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to the Court of Appeal in Northern Ireland^[2] by virtue of this section.

[1] The text of the statute reads "Ireland," but it is sinoperative save in Northern Ireland.

[2] "Court of Appeal in Northern Ireland" substituted for High Court of Appeal for Ireland. See note [1] on s. 49 above.

51.—(1) If it appears to the Governor of Northern Ireland^[1] or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Act, or order having the effect of an Act of the Parliament of Northern Ireland, or any provision thereof, or any Bill introduced in that Parliament,^[2] or any provision thereof, is beyond the powers of such Parliament, or whether any service is an Irish service^[3] within the meaning of this Act or not, or if the Joint Exchequer Board,^[4] or any two members of the Board, in the execution of their duties under this Act, are desirous of obtaining the decision of any question of the interpretation of this Act, or other question of law, which arises in connexion with those duties, the Governor,^[1] Secretary of State, or Board, or members thereof, as the case may be, may represent the same to His Majesty in Council, and thereupon, if His Majesty so directs, the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council.

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Special provision for decision of constitutional questions.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power^[5] of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference.

[1] The text of the statute reads "Lord Lieutenant," but see 13 Geo. 5, sess. 2, c. 2, s. 1, Sch. 1, para. 1.

[2] The text of the statute reads "either of those Parliaments," including the contemplated Parliament of

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Southern Ireland, but the statute is inoperative save in Northern Ireland.

[³] "Irish service." This is defined by s. 8 (8) above.

[⁴] "Joint Exchequer Board." See s. 32 of the Act above, and s. 52 below.

[⁵] "any other power." See 3 & 4 Will. 4, c. 41, by which the Judicial Committee was constituted. For a reference under s. 4 of that Act see Chapter II below, and Part I of this work, pp. 61-63. No references have yet (1933) been made under s. 51.

Appeals
from
decisions of
Joint
Exchequer
Board.

52.—(1) If any decision of the Joint Exchequer Board^[1] under this Act involves a decision with respect to any question of law, any person may petition His Majesty in Council to refer the question of law to the Judicial Committee of the Privy Council, and, if His Majesty so directs, the question of law shall be referred to and heard and determined by that Committee, and, if the Judicial Committee determine that the point of law has been erroneously decided by the Joint Exchequer Board, they shall report their determination to His Majesty, and, on such a report being made, the Joint Exchequer Board shall reconsider their decision with regard to the determination of the Judicial Committee.

(2) Upon the hearing of any question referred under this section, such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were a decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.^[2]

(3) A petition shall not be entertained under this section unless it is presented within six months after the date on which the decision of the Joint Exchequer Board to which the petition relates has been published.

[¹] "any decision of the Joint Exchequer Board." For the constitution of this Board see s. 32 above. Power to give decisions which might become subject to petitions under this section is given by the following enactments of the Act of 1920:—

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- s. 28 (4), which empowers the Board to decide questions arising as to whether any property is to be treated, for the purpose of double death duties, as situate in Great Britain or in Northern Ireland;
- s. 32 (3), which imposes on the Board the duty of determining various matters in connection with the finance of the Act.

Compare also s. 22 (3), which empowers the Board to "make regulations for determining" certain apportionments in cases of doubt.

The section to which this note refers provides for an appeal by "any person"; the procedure under s. 51 enables a case to be stated by a Government authority. No appeal has yet (1933) been taken under s. 52.

[²] With this sub-section compare sub-section (2) of s. 51 above.

53. Any decision of the House of Lords^[1] or of the Judicial Committee of the Privy Council^[2] as to the validity of any law made by or having the effect of an Act of the Parliament of Northern Ireland, and any decision of the Judicial Committee of the Privy Council on any other question of law which is to be determined by the Judicial Committee of the Privy Council under this Act shall be final and conclusive and binding upon all courts.^[3]

Finality of decisions of the House of Lords and Judicial Committee.

[¹] "House of Lords." See s. 49 above.

[²] "Judicial Committee of the Privy Council." See above, s. 51 (decision of constitutional questions) and s. 52 (appeals from J.E.B.).

[³] "binding upon all courts." Apart from this enactment, a decision of the Judicial Committee would not be binding upon courts in general, though commanding the most respectful consideration. See *London Joint Stock Bank v. Macmillan and Arthur* [1918] A.C., at p. 807,

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where Lord Finlay (C.) mentions the general rule. As regards the House of Lords, the enactment does not seem to add much to the case law, under which "the House of Lords is the Court of Appeal in the last resort, and its decisions are authoritative and conclusive declarations of the existing state of the law, and are binding upon itself when sitting judicially, as much as upon all inferior tribunals." See *A.G. v. Dean and Canons of Windsor* [1860] 30 L.J., Ch. 529. See also *Topham v. Duke of Portland* [1869] 38 L.J., Ch. *per* James, V.C., at p. 522.

PROVISIONS AS TO EXISTING JUDGES AND
OFFICERS.

Provisions as to existing judges and existing officers having salaries charged on the Consolidated Fund, or removable only for misconduct or incapacity.

54.—(1) All existing county court judges, and all existing Irish officers^[1] serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if at the date of the passing of this Act they are removable only on address from both Houses of Parliament of the United Kingdom, continue to be removable only upon such an address, and if removable in any other manner shall continue to be removable only in the same manner as before that date; and shall continue to receive the same salaries, gratuities, and pensions, and to enjoy the same rights and privileges and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and all sums so paid shall be made good by means of deductions from the Northern Ireland^[2] residuary share of reserved taxes under this Act in accordance with regulations made by the Treasury.

(2) If any of the said judges or officers retire from

office with His Majesty's approbation before completion of the period of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Government of Northern Ireland, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper.

(3) Sub-section (1) of this section shall apply to existing Irish officers in the civil service of the Crown, who, although receiving salaries not charged on the Consolidated Fund, are removable only for misconduct or incapacity, including clerks of the crown and peace.^[3]

Provided that, in the case of any such officer whose salary is payable otherwise than out of money provided by the Parliament of the United Kingdom, the provisions of that sub-section with respect to the payment of salaries and pensions out of the Consolidated Fund of the United Kingdom shall not have effect, and in the case of any such officer whose salary is payable out of money provided by the Parliament of the United Kingdom those provisions shall have effect with the substitution of payment out of money so provided for charge on and payment out of the Consolidated Fund of the United Kingdom.

(4) Sub-section (2) of this section shall apply to any officer to whom sub-section (3) of this section applies, with the substitution of a reference to a period of forty years' service for the reference to the period of service entitling to a pension.

[1] "All existing . . . officers." For definitions see ss. 58 and 74 below. As to county court judges appointed after the appointed day, see s. 48 above.

[2] "Northern Ireland" substituted for "Irish" by 18

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Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below.

[^a] "clerks of the crown and peace." By 15 & 16 Geo. 5, c. 5 (N.I.), a general county court service was established in Northern Ireland, in which the clerk of the crown and peace is included; but "existing" clerks of the crown and peace, to whom the above section applies, were not included in the new service, and hold office as formerly.

Continuation
of service of,
and compen-
sation to,
other exist-
ing officers.

55.—(1) Subject to the provisions of this Act, all existing Irish officers^[1] in the civil service of the Crown who are not provided for under the last preceding section and are at the appointed day^[2] serving as Irish officers shall, after that day, continue to hold their offices by the same tenure and upon the same terms and conditions (including conditions as to salaries and superannuation) as theretofore, and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee for Northern Ireland^[3] established under this Act may determine to be analogous, and while performing the same or analogous duties shall receive not less salaries than they would have received if this Act had not passed:

Provided that, notwithstanding the provision hereinbefore contained as to the tenure of existing Irish officers, any existing Irish officer who at the time of the passing of this Act is removable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office after the appointed day by the Lord Lieutenant.^[4]

(2) The Superannuation Acts, 1834 to 1914,^[5] shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Government of

Northern Ireland shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning of the Superannuation Act, 1892:

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55 & 56
Vict., c. 40.

Provided that, so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate retirement is serving under the Government of Northern Ireland, the Civil Service Committee for Northern Ireland^[3] shall be substituted for the Treasury.

(3) The provisions as to compensation contained in the Eighth Schedule^[6] to this Act shall apply with respect to any such existing Irish officer.^[1]

(4) The superannuation and other allowances and gratuities which may become payable after the appointed day to or in respect of existing Irish officers^[1] in the civil service of the Crown under the Superannuation Acts, 1834 to 1914, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, but any sums so paid shall be made good by means of deductions from the Northern Ireland^[7] residuary share of reserved taxes in accordance with regulations made by the Treasury.

(5) Where any existing Irish officer^[1] in the civil service of the Crown, to whom the Superannuation Acts, 1834 to 1914, do not apply, is at the appointed day^[2] serving as an Irish officer in a capacity which, in accordance with a condition of his employment, qualifies him for a superannuation allowance or gratuity payable otherwise than under those Acts, that condition shall, after the appointed day, have effect, subject to the following modifications, that is to say,

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any superannuation allowance or gratuity which may become payable to the officer in accordance with that condition after the appointed day shall, if and so far as the fund out of which such allowances and gratuities are payable at the time of the passing of this Act is, by reason of anything done or omitted after the passing of this Act, not available for its payment, be charged upon and paid out of the Consolidated Fund of Northern Ireland; and any powers and duties of the Treasury as to the grant or ascertainment of the amount of the superannuation allowance or gratuity, or otherwise in connexion with the condition, shall be exercised and performed by the Civil Service Committee for Northern Ireland.^[3]

(6) The Pensions Commutation Acts, 1871 to 1882,^[8] shall apply to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

[1] "existing Irish officers." For definitions see ss. 58 and 74 below.

[2] "appointed day." For days appointed see s. 73 and note thereon below.

[3] "Civil Service Committee for Northern Ireland." See s. 56 and notes thereon below.

[4] "Lord Lieutenant." Now the Governor of Northern Ireland, under the enactments set out in Chapter III below.

[5] "The Superannuation Acts, 1834 to 1914." (a) It is submitted that this citation must be taken as including the Superannuation (Prison Officers) Act, 1919 (9 & 10 Geo. 5, c. 67), which amends the previous Acts in their application to certain officers. (b) The Superannuation Acts apply to officers in the civil service of Northern

Ireland who are not within this sub-section; see the enactments of the Parliament of Northern Ireland set out in Chapter VI below. The revenue of Northern Ireland has been declared to be a "public fund" for the purposes of the Superannuation Act, 1892; see the arrangements set out in Chapter III below. (c) See S. R. & O. 1923, No. 803, in Chapter VIII below, as to persons appointed to office in a public department of the Government of Northern Ireland, and in receipt of superannuation allowance or compensation when so appointed.

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[⁶] "Eighth Schedule." See p. 153 below.

[⁷] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. (4) (3) (a), set out in Chapter III below.

[⁸] "The Pensions Commutation Acts, 1871 to 1882." Under these Acts (34 & 35 Vict., c. 36, and 45 & 46 Vict., c. 44) and regulations (S. R. & O. 1913, No. 972, and 1926, No. 19), the Treasury have power to commute compensatory pensions (or parts thereof) by the payment of capital sums, calculated according to the estimated duration of the life of the pension-holder.

56.—(1) For the purposes of the provisions of this Act with respect to existing officers, there shall be established a committee to be called the Civil Service Committee for Northern Ireland.^[1]

Establishment of Civil Service Committee for Northern Ireland.

(2) The committee shall consist of five members, of whom one shall be appointed by the Treasury, one by a Secretary of State, one by the Government of Northern Ireland, one by the existing Irish officers who have been transferred to the Government of Northern Ireland, and one (who shall be chairman) by the Lord Chief Justice of England.^[1]

(3) Any vacancy arising in the committee shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The Treasury may make regulations as to the

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manner in which the members to be appointed by the existing Irish officers are to be selected.^[2]

(5) The committee may act by any four members, and notwithstanding any vacancy in their number, and, subject to the provisions of this Act, the committee may regulate their own procedure.^[3]

(6) The determination of the Civil Service Committee for Northern Ireland on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.

(7) Any expenses incurred by the Civil Service Committee for Northern Ireland, to such amount as may be approved by the Joint Exchequer Board,^[4] shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made good by means of deductions from the Northern Ireland^[5] residuary share of reserved taxes in accordance with regulations made by the Treasury.

[¹] The Civil Service Committee, as first established (see the Orders in Council set out in note on s. 73 below), consisted of seven members, and contained a representative of the Government of Southern Ireland, appointed by the Lord Lieutenant under S. R. & O. 1921, No. 2005; see also pp. 41, 42, in Part I of this work. By the enactments set out in Chapter III below, the committee is now constituted as in the text above, and its powers are exercisable in relation only to existing Irish officers transferred from the Government of the United Kingdom to the Government of Northern Ireland, and in relation to existing or pensioned officers of local authorities or of a university under s. 68 below.

[²] The Treasury regulations at present in force were made on 22nd December, 1922 (S. R. & O. 1922, No. 378), and are as follows:—

1. Without prejudice to anything already done, the Regulations dated the 30th June, 1921, are hereby repealed.

2. The member of the committee to be appointed by

the existing Irish officers shall be selected from time to time by means of an election held in accordance with the following rules:— **Sect. 56**

- (a) Every existing Irish officer within the meaning of the Government of Ireland Act, 1920, who has been transferred to the service of the Government of Northern Ireland under Section 59 of that Act, and is for the time being serving in that service, shall be qualified to vote at any such election, and is hereinafter referred to as an elector.
- (b) Whenever an election is to be held the Minister of Finance for Northern Ireland shall appoint a person to be Returning Officer.
- (c) The Returning Officer shall publish in two successive issues of the "Belfast Gazette" notice of the intended holding of an election, and of the time (which shall not be less than fourteen days after the issue of the "Belfast Gazette" in which the notice first appears) before which nomination papers are to be sent to the Returning Officer.
- (d) No person other than an elector shall be qualified to be a candidate. A nomination paper must be signed by not less than three electors, and must be sent to the Returning Officer on or before the date specified in the notice published in the "Belfast Gazette."
- (e) If only one person is nominated he shall be deemed to be elected.
- (f) If the number of persons nominated is more than one, the Returning Officer shall issue to each elector a voting paper containing, in alphabetical order, the names of all persons duly nominated, and shall specify a day, not less than seven but not more than ten days from the date of the issue of the voting paper, on or before which the voting paper is to be returned to him.
- (g) An elector shall be entitled to one vote only, and shall record his vote by inserting in the voting paper a X against the name of the candidate for whom he intends to vote, and shall sign the voting paper with his name and address in the presence

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of a witness, who shall add his own name and address to the voting paper.

- (h) An elector shall return the voting paper to the Returning Officer, duly filled up and attested, on or before the day fixed for its return.
- (i) If an elector has not received a voting paper, he shall be entitled, on his personal application to the Returning Officer before the day fixed for the return of the voting papers, to receive a voting paper.
- (j) The Returning Officer shall, within four days after the day fixed for the return to him of the voting papers, enquire into the validity of the votes given, and cast up and ascertain the number of valid votes given to each candidate, and the candidate who has obtained the greatest number of valid votes shall be deemed to be elected.
- (k) Should two or more candidates each receive the greatest number of votes given for any one candidate, there shall be a further election in the manner already prescribed, the candidates being confined to the two or more candidates aforesaid.
- (l) The Returning Officer shall publish in the "Belfast Gazette" the name of the candidate elected.
- (m) Nomination papers and voting papers shall be in such form as the Minister of Finance for Northern Ireland may prescribe.
- (n) Voting and nomination papers to be issued or returned by or to the Returning Officer may be sent by post.

3. The person elected in manner aforesaid shall hold office for a period of five years from the date on which his election is announced in the "Belfast Gazette":

Provided that he shall vacate his office if—

- (i) he leaves the service of the Government of Northern Ireland; or
- (ii) at any time after the expiration of six months from the election, no fewer than one-third of the persons qualified [to be elected] as electors petition the Minister of Finance for the vacation of the appointment.

4. Any vacancy caused by death, resignation, effluxion of time, or otherwise, shall be filled by a new election in manner aforesaid. **Sect. 57**

5. The person elected shall not be competent to act as a member of the Civil Service Committee for Northern Ireland during the consideration of his own case.

6.—(1) The Interpretation Act, 1889 (52 & 53 Vict., c. 63), applies for the purposes of the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament.

(2) If any question arises as to the construction of these Regulations, or as to any election or proceeding held or taken, or purporting to be held or taken, thereunder, the same shall be determined by the Treasury, whose determination shall be conclusive.

[3] The committee meets, as a rule, in London, but appoints joint secretaries, one of whom is located in Belfast.

[4] "Joint Exchequer Board." See s. 32 above.

[5] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below.

57.—(1) Any pension granted on account of service in Ireland as Lord Chancellor or other judge of the existing Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or as an officer or constable of the Royal Irish Constabulary, and payable at the appointed day,^[1] or in the case of an officer or constable of the Royal Irish Constabulary at the date of transfer,^[2] shall be paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, if charged on that fund at the time of the passing of this Act, and out of moneys provided by the Parliament of the United Kingdom if so payable at that time, and shall be made good by means of deductions

Provisions as to existing pensions and superannuation allowances.

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from the Northern Ireland residuary share of reserved taxes in accordance with regulations made by the Treasury.^[3]

(2) Any pension payable at the appointed day and granted on account of service in Ireland as an Irish officer in the civil service of the Crown not serving in an established capacity or on account of service as a petty sessions clerk or officer in the registry of petty sessions clerks shall, if and so far as the fund out of which it is payable at the time of the passing of this Act is by reason of anything done or omitted after the passing of this Act not available for its payment, be charged upon and paid out of the Consolidated Fund of Northern Ireland.^[4]

[1] "appointed day"; *i.e.*, 22nd November, 1921. See note on s. 73 below. As to increase of certain pensions to which this sub-section applies, see 14 & 15 Geo. 5, c. 32, and s. 1 of 16 & 17 Geo. 5, c. 10 (N.I.), which rendered those increases deductible from the Northern Ireland residuary share of reserved taxes.

[2] "Royal Irish Constabulary . . . date of transfer." The day fixed for the disbandment of the R.I.C. is, as respects Northern Ireland, to be treated as the "date of transfer" in the case of a member of that force. See 12 & 13 Geo. 5, c. 55, s. 1 (10), in Chapter II below.

[3] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below. The amounts to be deducted were determined by the Joint Exchequer Board on 3rd April, 1923.

[4] This sub-section, as originally enacted, had reference also to charges upon the Consolidated Fund of Southern Ireland; but the Act is inoperative save in Northern Ireland.

Provisions
for defining
of Irish
officer and
determining
claims.

58.—(1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed

in Irish services^[1] within the meaning of this Act, and the fact that the salary of an Irish officer is provided in whole or in part out of funds administered by the Government department in which he serves, or out of an allowance voted for the office expenses of the office in which he is employed, or out of fees, instead of being charged on the Consolidated Fund or paid out of moneys provided by the Parliament of the United Kingdom, shall not prevent that officer being treated as an officer in the civil service of the Crown:

Provided that, where any officers employed at the appointed date wholly or in part on Irish services form an integral part of a staff not solely engaged on such services, the department under which they are employed shall prepare a scheme for determining which of the members of such staff are, for the purposes of this Act, to be treated as Irish officers, and such scheme shall be submitted to the Civil Service Committee for Northern Ireland^[2] and, if and when approved by that committee, shall have effect as if enacted in this Act.^[3]

(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee for Northern Ireland.^[2]

(3) If in any case the Civil Service Committee for Northern Ireland^[2] are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Northern Ireland and of the United Kingdom.

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[1] "Irish services." See s. 8 (8) above as to these services in relation to Northern Ireland.

[2] "Civil Service Committee for Northern Ireland." See s. 56 and notes thereon above.

[3] "as if enacted in this Act." As to the effect of these words, see note on s. 70 (2) below.

Allocation
of existing
officers.

59.—(1) The existing Irish officers who at the appointed day are concerned solely with the administration of public services in Northern Ireland shall become officers of the Government of Northern Ireland.

[(2) The existing Irish officers who at the appointed day are concerned with the administration of public services both in Southern Ireland and Northern Ireland shall be allocated as between the Governments of Southern Ireland and Northern Ireland in such manner as the Civil Service Committee may determine; and in determining whether any particular officer is to be allocated to the Government of Southern Ireland or to the Government of Northern Ireland, the Civil Service Committee shall, so far as the exigencies of the public service admit, endeavour to give effect to the wishes of the officer:

Provided that any existing Irish officers who at the appointed day are solely employed in public services which are as from the appointed day administered by the Council of Ireland shall become officers of the Council of Ireland.]^[1]

[1] This sub-section was never fully operative, and allocations thereunder took place only by consent of the officer allocated. See the enactments set out in Chapters III and IV below, and also pp. 41 and 42 in Part I of this work.

[*S. 60 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).*]^[11]

[1] This section related to the continuation of the service of, and compensation to, members of the police forces. As to the Royal Irish Constabulary, see 12 & 13 Geo. 5, c. 55, set out in Chapter II below.

GENERAL.

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61.—All existing laws,^[1] institutions, and authorities^[2] in Ireland,^[3] whether judicial, administrative, or ministerial, and all existing taxes^[4] in Ireland,^[3] shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Parliament of Northern Ireland,^[5] to repeal, abolition, alteration, and adaptation^[6] in the manner and to the extent authorised by this Act.

Continuation
of existing
laws,
institutions,
etc.

[1] "existing laws." "Existing" means existing at the appointed day—s. 74, p. 120 below. The 3rd May, 1921, was fixed as the appointed day for general purposes of the Act, including the establishment of the legislature, but not including the transfer of existing administration, for which later days were appointed (see S. R. & O. 1921, No. 533, p. 116, and subsequent orders). It is submitted that the date at which a law may be taken as "existing" for purposes of this section should be determined by reference to the "appointed day" affecting the subject-matter of that law. As to laws passed after the appointed day, see s. 6, p. 14 above.

Sources of existing laws. The sources of the existing laws to which this section applies are (i) the Common Law of England as modified or superseded by statutes applicable in Northern Ireland, and (ii) the statutes applicable in Northern Ireland.

As regards (i), the Common Law of England, numerous text-books record its extension to Ireland as a matter of history. It is stated, for instance, that after the conquest of Ireland by King Henry II. the laws of England were received and sworn to by the Irish nation assembled at the Council of Lismore; but some historians, whilst accepting the general proposition, throw doubt upon the authenticity of such a council. One of "Poynings' Laws" (mentioned below) has—wrongly, it is submitted—been regarded as referring to common law as well as to statute law. Lecky in his *History of England*—vol. II, cap. vi, p. 108—

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mentions a King's Bench decision in the time of James I. pronouncing that the Brehon Law was null, and that English common and statute law was alone binding in the Irish Courts. In Ireland this proposition has always been accepted. An English authority is to be found in *In re Nesbitt* [1844], 14 L. J. (M.C.), 30. In that case an Irish warrant was endorsed for execution in England for the apprehension of a person indicted for "a riot," and those words were held to be a sufficient statement of the offence: "Patteson, J.—'I certainly am bound to take judicial notice that the common law of England prevails in Ireland. Then this warrant further states that the party stands indicted for . . . a riot . . . as that was an offence at common law, I think I must take it to be an offence against the law of Ireland.'"

As regards (ii), the Statute Law, the position is as follows: Until the year 1801 Ireland was a distinct Kingdom, having a separate Parliament but the same King as England had, and the Irish Parliaments were held by the Chief Governor as the King's deputy, or, in one or two instances, by the King in person. The statute law of Ireland from the time of John to 1800 is to be found in the Acts of this Irish Parliament. The original rolls were in the 19th century transferred to the Public Record Office of Ireland at Dublin. The Courts in Ireland have always accepted the folio edition in 20 volumes, published over the period 1762–1800 by the King's printer in Ireland, under the superintendence of the Irish Lord Chancellor and Judges. A one-volume edition of the Irish Statutes Revised (after the Statute Law Revision Acts of 1878 and 1879) was published by authority in 1885, and the Table of Statutes in that volume has been republished and revised to date in the "Chronological Table and Index of the Statutes Affecting Northern Ireland" (Ed. A. P. Magill, C.B.: Belfast, 1932). These editions go back to 1310 A.D.

For Irish statutes from John to Henry VI, see the Irish Record Office Series, vol. I, 1907; vol. II, 1910; Ed. H. F. Berry: Dublin. As to the Acts of Poynings' Parliament, see also p. 118 of "Henry VII's Relations with Scotland and Ireland," A. Conway and E. Curtis: Cambridge, 1932.

The Irish Parliament carried out two notable assimilations of their statute law with that of England, viz.:

10 Henry 7, c. 22 (1495), one of "Poynings' Laws," by which all English statutes (then existing) concerning the public weal were confirmed, and to be used and exercised in Ireland, and any Irish statutes to the contrary were made void; and "Yelverton's Act," 21 & 22 Geo. 3, c. 48 (1781-82), which extended to Ireland "all statutes heretofore made in England or Great Britain" for settling forfeited estates (including private Acts relative to landed property); or concerning commerce; seamen; the stile or calendar; the taking of oaths; or continuance of any office, commission, or writ, etc., in case of a demise of the Crown. Sect. 61

By the eighth article of the Union between Gt. Britain and Ireland (enacted by parallel Acts of 39 & 40 Geo. 3, c. 67, in Gt. Britain, and 40 Geo. 3, c. 38, in Ireland), "all laws in force at the time of the Union, and all the courts of civil and ecclesiastical jurisdiction within the respective Kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the United Kingdom to require." This provision secured the continuance of the law in Ireland as enacted by the pre-Union Irish Parliament, and in various important respects those enactments are still in force—*e.g.*, the statutes concerning Frauds, Uses, Wills, Game Law, Writs of Habeas Corpus.

The statute law of the Parliament of the United Kingdom of Great Britain and Ireland, from the time of the Union until the appointed day for the purposes of the Government of Ireland Act, 1920, applied to Ireland so far as that country was not excluded therefrom, and its continuance in Northern Ireland was secured by s. 61. This body of statutes, so far as it relates to matters within the powers of the Northern Ireland Parliament, is brought under review in the "Chronological Table and Index of the Statutes Affecting Northern Ireland."

As to the effect of a provision similar to s. 61 of the Act of 1920—*viz.*, Art. 73 of the First Schedule to the "Constituent Act," set forth in the Schedule to 13 Geo. 5, c. 1, sess. 2—see *In re Reade, a Bankrupt*, 61 I.L.T.R., 57, where an existing law was held to become, after the transfer of jurisdiction, two separate identical laws, one applying in the United Kingdom and the other in the

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Irish Free State. The "adaptation" Orders in Council made under s. 69, p. 110 below, as respects Great Britain and Northern Ireland, are based in general upon this principle.

[²] "institutions and authorities." For a short summary of these, see Appendix A below.

[³] Act inoperative save in Northern Ireland.

[⁴] "existing taxes." See "Taxation and Finance," pp. 43 and 44 in Part I of this work. In the magisterial case of Commissioners of Customs and Excise (as agents for the Ministry of Finance for N.I.) [11 Sept., 1930], a penalty was obtained for wholesale dealing in spirits without a licence subject to tax imposed by 10 Edw. 7 & 1 Geo. 5, c. 8 (*i.e.*, an "existing tax").

[⁵] "Northern Ireland." The text of the Act has "Parliaments of Southern Ireland and Northern Ireland," but the Act is inoperative save in Northern Ireland.

[⁶] "adaptation." See s. 15 (2), p. 34 above, as to application of election laws by Order in Council, and s. 69, p. 110 below, as to Irish Transfer Orders.

Use of
Crown lands
by Northern
Ireland
Government.

62. His Majesty the King in Council may place under the control of the Government of Northern Ireland, for the purposes of that Government, such of the lands, buildings, and property in Northern Ireland vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient.^[1]

[¹] For other provisions see ss. 24 (1) (b) and 34 (1) above.

Arrange-
ments
between
departments.

63. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the Government of Northern Ireland, or by any department of the Government of Northern Ireland for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the

Government of the United Kingdom, on such terms and conditions as may be agreed: ^[1] **Sect. 63**

Provided that no such arrangements shall diminish in any respect the responsibility of the department by which the arrangement is made.

[¹] Arrangements have been made under this section as follows:—

(a) Agency services carried out by officers of Northern Ireland departments on behalf of United Kingdom departments:—

By officers of the Ministry of Finance—

For the Admiralty—Works services.

For the Commissioners of Inland Revenue—Sale and allowance of stamps (reserved services).

For the Custodian of Enemy Property—Management of enemy property.

For H.M. Office of Works—Works and buildings for reserved services.

For H.M. Treasury—Examination of parliamentary election accounts, certain legal work under Land Purchase Acts, administration of treasure trove.

For the Irish Sailors' and Soldiers' Land Trust—Acquisition of land, and provision and maintenance of cottages.

For the Land Purchase Commission, Northern Ireland—Solicitor's work.

By officers of the Ministry of Home Affairs—

For the Board of Customs and Excise—Employment of police patrols on Customs duty on the land frontier.

For H.M. Treasury—Functions as to escheated estates.

For the Secretary of State—Certain functions as to registration expenses under the Representation of the People Acts.

By officers of the Ministry of Labour—Payment of benefits, out of the Navy, Army, and Air Force Insurance Fund, to discharged men of the forces resident in Northern Ireland.

(b) Agency services carried out on behalf of Northern

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Ireland departments by officers of United Kingdom departments:

For the Ministry of Finance—

By officers of the Board of Customs and Excise—
Collection of liquor licences and other trading
licences.

By the Govt. Actuary—Valuations under Health
Insurance and Teachers' Superannuation Acts.

By officers of H.M. Stationery Office—Provision of
stationery, books, etc., and printing of official
publications.

By officers of the Inland Revenue Department—
Manufacture and distribution of stamps, over-
printing of stamps, and similar work.

By officers of the Land Purchase Commission, Nor-
thern Ireland—Initiation of turbary schemes under
Irish Land Acts.

By the National Health Insurance Audit Department
—Audit of certain accounts of approved societies
under Health Insurance Acts.

By officers of the Post Office—Sale of revenue stamps
and Ulster Savings Certificates.

For the Ministry of Home Affairs—

By officers of the Board of Customs and Excise—
Functions under Anthrax Prevention Act as to
importation of goods.

By officers of the Home Office, London—Inspections
under Explosives Acts and Petroleum Act.

For the Ministry of Labour—

By officers of the Ministry of Health—Collection of
certain contributions and moneys.

By officers of the Ministry of Labour (G.B.)—Segre-
gation of N.I. proportion of contributions under
s. 41 of Unemployment Insurance Act, 1920.

By officers of the Ministry of Pensions—Payment in
H.M. Dominions of widows', orphans', and old age
contributory pensions under N.I. Acts.

By officers of the Post Office—Manufacture of insur-
ance stamps and pensions orders, payment of
pensions orders, sale of insurance stamps.

For the Ministry of Education—**Sect. 64**

By officers of the Board of Education (England and Wales)—Control and administration of the system of training of certain candidates for elementary school teacherships in N.I., carried on at a Training College in England.

For the Ministry of Agriculture—

By the Ordnance Survey Department of the Ministry of Agriculture and Fisheries—Reproduction and printing of ordnance survey maps of N.I.

For the Ministry of Commerce—

By officers of the Board of Trade—Functions as to boiler explosions, services of gas referees, survey of passenger steamers in inland waters, verification of local standards and other functions under Weights and Measures Acts.

64.—(1) No law made by the Parliament of Northern Ireland shall have effect so as to alter the constitution or divert the property of, or repeal or diminish any existing exemption or immunity enjoyed by the University of Dublin, or Trinity College, Dublin, or the Queen's University of Belfast,^[1] unless and until the proposed alteration, diversion, repeal, or diminution is approved:—

Special provisions as to certain Universities and Colleges.

(a) in the case of the University of Dublin, or Trinity College, Dublin, by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: the governing body of the College, and the junior fellows and professors voting together, and the University Council, and the Senate; and

(b) in the case of the Queen's University of Belfast, by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: the Senate,

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and the Academic Council, and the Convocation of the University:

Provided that this section shall not apply to the taking of property (not being land in the occupation of or used in connexion with the College or either of the Universities) for the purpose of roads, railways, lighting, water, or drainage works, or other works of public utility upon payment of compensation.

(3) There shall be paid annually, out of moneys provided by the Parliament of Northern Ireland, to the Queen's University of Belfast, a sum of twenty-six thousand pounds for the general purposes of the University,^[2] and that sum, if and so far as not so paid, shall be deducted on the order of the Joint Exchequer Board from the Northern Ireland^[3] residuary share of reserved taxes and paid to the University.

[1] "the Queen's University of Belfast." For a law of the Parliament of Northern Ireland altering the constitution of the Senate of this University, see 16 & 17 Geo. 5, c. 13. The preamble to that statute recites the approval of the bodies mentioned in paragraph (b) of the subsection to which this note relates.

[2] "There shall be paid . . . University." For the various payments out of public funds see S. R. & O. 1922, No. 352 (in Chapter VIII below), and the following enactments of the Northern Ireland Parliament—12 & 13 Geo. 5, c. 13; 14 & 15 Geo. 5, c. 13; 15 & 16 Geo. 5, c. 17; 18 & 19 Geo. 5, c. 21.

[3] "Northern Ireland" substituted for "Irish" by 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 4 (3) (a), set out in Chapter III below.

Special provisions as to Freemasons.

65.—(1) It is hereby declared that existing enactments^[1] relative to unlawful oaths or unlawful assemblies in Ireland do not apply to the meetings or proceedings of the Grand Lodge of Free and Accepted

Masons of Ireland, or of any lodge or society recognised by that Grand Lodge. **Sect. 67**

(2) The Parliament of Northern Ireland shall not^[2] have power to abrogate or affect prejudicially any privilege or exemption of the Grand Lodge of Freemasons in Ireland, or any lodge or society recognised by that Grand Lodge, which is enjoyed either by law or custom at the time of the passing of this Act, and any law made in contravention of this provision shall, so far as it is in contravention of this provision, be void.

[1] See, for instance, the "Whiteboy Acts," passed by the pre-Union Parliament of Ireland—15 & 16 Geo. 3, c. 21, Ir.; 17 & 18 Geo. 3, c. 36, Ir.

[2] The section reads "Neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland shall"; but the Act is inoperative save in Northern Ireland.

[S. 66 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]^[1]

[1] This section had reference to premises for the use of the Parliament of Southern Ireland.

67. The powers conferred by section sixteen of the Act passed by the Irish Parliament in the session held in the twenty-first and twenty-second years of the reign of His Majesty King George the Third, chapter eleven, intituled, An Act for the better securing the liberty of the subject, shall not be exercised and that section shall be repealed.^[1]

Repeal of
s. 16 of
21 & 22
Geo. 3, c. 11
(Irish).

[1] This Act is the Irish Habeas Corpus Act (1781–82), corresponding with the English Act 31 Chas. 2, c. 2 (1679). The section of the Irish Act which is repealed above made provision as follows:—

"It shall and may be lawful to and for the chief governor or governors for the time being, and privy council of this kingdom to suspend this Act, by a proclamation under the great seal of this kingdom, during such time only as there shall be an actual invasion or rebellion in this kingdom or Great Britain, and that no judge or justice of

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peace shall bail or try any person or persons charged with being concerned in such invasion or rebellion, without an order from the lord lieutenant, or lord deputy and privy council of this kingdom for the time being, signed by the said privy council, any law, statute, or usage to the contrary in any wise notwithstanding."

Provisions as to certain officers of local authorities, universities, or colleges.

68.—(1) No law made by the Parliament of Northern Ireland shall have effect so as to prejudice or diminish the rights or privileges of any existing or pensioned officer of a local authority under the provisions of the Local Government (Ireland) Acts, 1898 to 1919, or any Act relating to superannuation or retiring allowance or of any existing or pensioned officer of a university or college under the provisions of sub-section (8) of section sixteen of the Irish Universities Act, 1908.

8 Edw. 7,
c. 38.

9 & 10
Geo. 5, c. 19.

(2) Sub-section (8) of section sixteen of the Irish Universities Act, 1908,^[1] and section eight of the Local Government (Ireland) Act, 1919,^[2] shall, from and after the appointed day, have effect, with the substitution of the Civil Service Committee for Northern Ireland^[3] for the Treasury and for the Local Government Board and for the Department of Agriculture and Technical Instruction for Ireland.

[1] This enactment, as amended above, is to the following effect:—

"16.—(8) Where an existing officer holding an office to which the Superannuation Acts, 1834 to 1892, apply accepts in pursuance of this Act an equivalent office, that officer shall have the same right as respects any superannuation allowance, or gratuity as he would have had if those Acts continued to apply to his service in the office accepted or in any other office in either of the two new universities or any of the constituent colleges of the new university having its seat at Dublin to which he may be thereafter appointed, but the superannuation allowance or gratuity shall be paid out of the funds of the university or college

of which he is an officer when the allowance or gratuity becomes payable. **Sect. 68**

If any question arises whether any person has any right to a superannuation allowance or gratuity in pursuance of this provision, or as to the amount of any such superannuation allowance or gratuity, that question shall be referred to the Civil Service Committee, and the decision of the Civil Service Committee on the question shall be binding on all parties.

Nothing in this provision shall prevent the governing body of either of the two new universities, or any of the constituent colleges of the new university having its seat at Dublin, giving any superannuation allowance to any officer holding an office to which the Superannuation Acts, 1834 to 1892, apply otherwise than in pursuance of this provision."

[*] This enactment, as amended above, is to the following effect:—

"8.—(1) If any officer of a local authority who holds on the passing of this Act a pensionable office is removed from his office for any cause other than misconduct or incapacity, or resigns his office with the sanction of the Civil Service Committee, he shall, without prejudice to any other right, be entitled to receive from the local authority an allowance not exceeding two-thirds of the salary, fees and emoluments which he was in receipt of at the time of the removal or resignation, and not less than an allowance calculated according to the scale provided by the Superannuation Acts, 1834 to 1892, and the rules thereunder, if at that time he has served as an officer of the local authority for not less than ten years, or a gratuity according to the scale in Part I of the Seventh Schedule to the Local Government (Ireland) Act, 1898, if he has so served for less than ten years, and the right to and amount of any such allowance or gratuity shall, in case of dispute, be determined by the Civil Service Committee. For the purposes of this section, any person duly appointed standing solicitor of a local authority before the passing of this Act shall be deemed to be a pensionable officer of the local

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authority, notwithstanding that his whole time is not devoted to the duties of his office.

(2) The Civil Service Committee shall not give their sanction to the resignation of an officer for the purposes of this section unless they are satisfied that, owing to changes made without reasonable cause in the conditions of his employment after the passing of this Act, his position has been materially altered to his detriment; or that he has become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body; or that he is not less than sixty years of age and has served as an officer of the local authority for not less than twenty years.

(3) This section shall apply to a whole-time officer of a committee of a local authority or of a joint committee of several local authorities in like manner as if he were an officer of the local authority or authorities holding a pensionable office, and in the case of an officer of a joint committee the amount of the superannuation allowance or gratuity shall be payable by the local authorities in such proportions as may be agreed upon, or, in default of agreement, as may be determined by the Civil Service Committee.

(4) The holding by an officer of a local authority whether before or after the passing of this Act of the office of clerk to an old age pensions committee or to a national insurance committee, or of registration officer under the Representation of the People Act, 1918, shall not be deemed for the purposes of this section to deprive him of the status of a holder of a pensionable office.

(5) In this section 'local authority' means the council of any county, county borough, or county district, the commissioners of any town, and the guardians of any poor law union."

[³] "Civil Service Committee for Northern Ireland." See s. 56 and notes thereon above.

69. His Majesty may, by Orders in Council^[1] (in this Act referred to as Irish Transfer Orders), make such regulations as seem necessary or proper for setting

Power to
make Irish
Transfer
Orders.

in motion the Parliament and Government of Northern Ireland,^[2] and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation or for giving full effect to any provisions of this Act or to any future transfer under or by virtue of this Act of a reserved service;^[3] and in particular His Majesty may by any such Order in Council—

- (a) make such adaptations of any enactments so far as they relate to Ireland^[4] as may appear to him necessary or proper in order to give effect to the provisions of this Act, and also make any adaptations of any enactments so far as they relate to England or Scotland, as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act; and
- (b) make such adaptation of any enactments as appear to him necessary or proper with respect to the execution of reserved services and services with respect to which the Parliament of Northern Ireland^[5] has not power to make laws, and in particular provide for the exercise or performance of any powers or duties in connexion with those services by any department of the Government of the United Kingdom or officer of that Government where any such powers or duties are, under any existing Act or by the common law, to be exercised or performed by any department or officer in Ireland^[4] who will cease to exist as a department or officer of the Government of the United Kingdom; and

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- (e) make provision for securing the payment of an old age pension to any person who is entitled to the payment of such a pension at the appointed day,^[6] while he continues so entitled; and
- (f) make provision with respect to the transfer and apportionment of any property, assets, rights, and liabilities in connexion with Irish Services and the transfer of the right to recover any taxes charged but not paid before the appointed day;^[6] and for apportioning as between the Exchequer of the United Kingdom and the Exchequers of Southern^[7] and Northern Ireland, the proceeds of transferred taxes properly attributable to Ireland and levied in respect of the financial year in which the appointed day falls; and
- (g) where the day appointed for the transfer of any Irish service is subsequent to the day appointed as the day from which the Northern Ireland residuary share of reserved taxes becomes payable, provide for the proper deductions being made from that share in respect of the cost of that service during the interval between the said days; and
- (h) provide, in cases where the same Act deals with reserved matters or matters with respect to which the Parliament of Northern Ireland^[5] has not power to make laws and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as such other matters; and
- (i) provide for the reservation of power to His Majesty to confer on the naval, military, or air force authorities of the United Kingdom

control over any harbours, lighthouses, light vessels, buoys, beacons, or other navigational marks to such extent, at such times and in such circumstances as may appear to His Majesty to be required in the national interests.

[1] "Orders in Council." For these Orders see Chapter VIII below.

[2] The text of the statute reads "Parliaments and Governments of Southern and Northern Ireland." The powers of the section were exercised, as respects Southern Ireland, prior to the Agreement of 6th December, 1921. Since the passing of 13 Geo. 5, sess. 2, c. 2, s. 1, the Act of 1920 has been inoperative save in Northern Ireland.

[3] "future transfer . . . of a reserved service." These words do not seem to have any present application. For repealed provisions see Appendix B below.

[4] Act inoperative save in Northern Ireland.

[5] The text of the statute reads "Parliaments of Southern Ireland and Northern Ireland," but the Act is now inoperative save in Northern Ireland—see note [2] above.

[6] "appointed day." See s. 73 and note thereon, below.

[7] The Act is now inoperative save in Northern Ireland; but see S. R. & O. 1922, No. 82, in Chapter VIII below.

70.—(1) Any Irish Transfer Order made under this Act shall be laid before both Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and

Irish
Transfer
Orders
to be laid
before
Parliament.

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the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.^[1]

(2) Any Irish Transfer Order made under this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.^[2]

[1] This sub-section brings Irish Transfer Orders within the provisions of ss. 1 and 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). These sections do not apply to Orders under other sections of the Act of 1920, *e.g.*, under s. 15.

[2] As to the effect of provisions similar to this sub-section, see *Minister of Health v. The King (on the prosecution of Yaffe)* [1931] A.C. 494.

Alteration
of scale of
election
expenses.

71. The provisions of the Fourth Schedule to the Representation of the People Act, 1918, in their application to elections of members to serve in the Parliament of the United Kingdom^[1] for any of the constituencies named in Part II of the Fifth Schedule to this Act, shall have effect with the substitution of two pence for seven pence and for five pence.

[1] This section, as originally enacted, was applicable also to elections of members to serve in the Northern Ireland Parliament. But the provisions of the 4th Sched. to the Act of 1918, in their application to those elections, now have effect as if five pence were substituted for two pence in the case of a county election and of an election for a borough. See s. 5 of 19 Geo. 5, c. 5 (N.I.), in Chapter VII below.

The 4th Schedule to the Act of 1918, amended by s. 71 of the Act of 1920, substitutes certain provisions for Part IV of the 1st Schedule to 46 & 47 Vict., c. 51, and for para. (3) of part V of the same Schedule, namely:—

“Maximum Scale.

“The expenses mentioned above in Parts I, II, and III of this Schedule, other than personal expenses and the fee,

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if any, paid to the election agent (not exceeding in the case of a county election seventy-five pounds and of a borough election fifty pounds, without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses first above-mentioned), shall not exceed an amount equal, *in the case of a county election and in the case of an election for a borough, to two pence* for each elector on the register. Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III and IV of this Schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one-and-a-half and dividing the result by the number of joint candidates."

[For an amendment of the 4th Sched. to the Act of 1918, in its application to Great Britain, see 18 & 19 Geo. 5, c. 12, s. 5.]

[S. 72 repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]^[1]

[¹] For the repealed section see Appendix B below.

73.—(1) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day for the purposes of this Act shall be the first Tuesday in the eighth month after the month in which this Act is passed, or such other day not more than seven months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act.^[1]

Commence-
ment
of Act and
appointed
day.

(2) Nothing in this Act shall affect the administration of any service before the day appointed for the transfer of that service from the Government of the United Kingdom.

[¹] For the transfer of services see pp. 40 and 41 in Part I of this work.

The text of the Orders of H.M. in Council is as follows (the recitals being omitted):—

Sect. 73**STATUTORY RULES AND ORDERS, 1921, No. 533,
dated 24th March, 1921.**

The nineteenth day of April, 1921, is hereby fixed to be the appointed day for the purposes of the provisions of the Act relative to the making of Orders in Council and to the qualification and term of office of the Lord Lieutenant; and the third day of May, 1921, is hereby fixed to be the appointed day for the purposes of the remaining provisions of the Act, except provisions relative to the following matters, or consequential upon such provisions, namely:—

1. The transfer of services or officers from the Government of the United Kingdom, including in this exception police forces and officers, but excluding therefrom the establishment of the Civil Service Committee and the functions of such Committee so far as they are exercisable prior to such transfer.

2. Financial matters, including in this exception powers of taxation, but excluding therefrom the establishment of the Consolidated Funds and Exchequers and the appointment of Comptrollers and Auditors-General of Southern Ireland and of Northern Ireland, the establishment of the Joint Exchequer Board and the temporary provision as to payments into and out of the said Exchequers.

3. The legislative powers of the Council of Ireland.

4. Matters relating to the Supreme Court of Judicature in Ireland, or the Supreme Court of Judicature of Southern Ireland or of Northern Ireland or the High Court of Appeal for Ireland, or the judges or officers thereof, or county court judges, including in this exception the offices of Lord Chancellor of Ireland and Master of the Rolls in Ireland, but excluding therefrom appointments to the office of Lord Chief Justice of Northern Ireland, and

5. The representation of Ireland in the House of Commons of the United Kingdom:

Provided that nothing in this Order shall be construed as fixing the appointed day mentioned in Section 57, 58, 59, or 68, or in paragraph (e), (f), or (j) of Section 69 of

the Act, or in the Seventh or Eighth Schedule to the Act, or as fixing the appointed day for the purpose of the definition of the expression "existing" in its application to officers or to any other matter hereinbefore excepted. **Sect. 73**

STATUTORY RULES AND ORDERS, 1921, No. 1130,
dated 27th June, 1921.

1. This Order may be cited as the Government of Ireland (Lord Chancellor of Ireland) Order, 1921.

2. The twenty-seventh day of June, 1921, is hereby fixed to be the appointed day for the purposes of the provisions of section forty-four of the Act [being provisions relative to the Lord Chancellor of Ireland—which office was subsequently abolished].

STATUTORY RULES AND ORDERS, 1921, No. 1243,
dated 25th July, 1921.

The appointed day for the purposes of any of the excepted provisions which have not come into operation prior to the second day of August, 1921, shall be such later day or days as may hereafter be fixed by Order in Council. [For the "excepted provisions" see S. R. & O. 1921, Nos. 533 and 1130, above.]

STATUTORY RULES AND ORDERS, 1921, No. 1527,
dated 27th September, 1921.

The first day of October, 1921, is hereby fixed to be the appointed day for the purposes of the provisions of the Act (including the Seventh Schedule) relative to the following matters, or consequential upon such provisions, namely:—

Matters relating to the Supreme Court of Judicature in Ireland or the Supreme Court of Judicature of Southern Ireland or of Northern Ireland, or the High Court of Appeal for Ireland, or the judges or officers thereof (including the Master of the Rolls in Ireland), except the Central Office established under the Local Registration of Title (Ireland) Act, 1897; and for the purposes of the definition of the expression "existing" in its application to any of the provisions aforesaid.

54 & 55
Vict., c. 66.

Sect. 73

STATUTORY RULES AND ORDERS, 1921, No. 1691,
dated 31st October, 1921.

The fifteenth day of December, 1921, is hereby fixed to be the appointed day for the purposes of the provisions of the Act (including the Seventh Schedule), so far as they relate or are applicable to the Central Office established under the Local Registration of Title (Ireland) Act, 1891, and for the purposes of the definition of the expression "existing" in its application to the officers employed therein.

STATUTORY RULES AND ORDERS, 1921, No. 1696,
dated 9th November, 1921.

1. The twenty-second day of November, 1921, is hereby fixed to be the appointed day, as respects Northern Ireland, for the purposes of the financial provisions of the Act which have not previously come into operation.

2. For the purposes of the provisions of the Act (including the Eighth Schedule) relating to the transfer of services and officers, the several days mentioned in the first column of the Schedule to this Order are hereby fixed to be the appointed days, as respects Northern Ireland, in relation to the several services and officers respectively mentioned in the second column of that Schedule: Provided that if any question arises as to which of the said days is applicable to any particular service, or to any particular officer or class of officers, that question shall be determined by the Lord Lieutenant.

3. The first day of December, 1921, is hereby fixed to be the appointed day mentioned in sub-section (2) of section sixty-eight of the Act, so far as respects Northern Ireland. [Powers of Civil Service Committee as to certain officers.]

4. Nothing in this Order shall be taken as affecting the administration throughout Ireland of public services in connection with Railways and Fisheries and the Diseases of Animals Acts, or the administration of any public services in Southern Ireland.

Schedule.

Appointed Day.	Nature of Service and Officers.
22nd November, 1921.	Irish services in connection with the maintenance of Law and Order and the administration of Justice, and with Taxation, Purchase Annuities, Public Loans, and the Irish Church Temporalities Fund; and Irish officers employed or engaged in the administration of those services.
1st December, 1921.	Irish services in connection with Local Government (including Housing), Public Health (not including Health Insurance), Poor Law, Old Age Pensions, Roads, Road Transport (excluding Railways), Ferries and Bridges, Firearms and Explosives, Prisons, Reformatory and Industrial Schools, and Lunatics; and Irish officers employed or engaged in the administration of those services. [For Health Insurance see S. R. & O. 1921, No. 2006, below.]
1st January, 1922.	Irish services not previously transferred (except services in connection with Education, Science and Art, and Technical Instruction); and Irish officers employed or engaged in the administration of the services transferred on this day.
1st February, 1922.	Irish services in connection with Education, Science and Art, and Technical Instruction; and Irish officers employed on or engaged in the administration of those services.

STATUTORY RULES AND ORDERS, 1921, No. 2006,
dated 22nd December, 1921.

For the purposes of the provisions of the Act (including the Eighth Schedule) relating to the transfer of services and officers, the first day of March, 1922, is hereby fixed to be the appointed day, as respects Northern Ireland, in relation to Irish services in connection with Health Insurance, and Irish officers employed or engaged in the administration of such last-mentioned services, instead of the day fixed by the said Order in Council of the ninth day of November, 1921.

S. R. & O.
1921,
No. 1696.

Sect. 73**STATUTORY RULES AND ORDERS, 1922, No. 1230,
dated 25th October, 1922.**

The date on which the present Parliament is dissolved [*i.e.*, 26th October, 1922] is hereby fixed to be the appointed day, as respects Northern Ireland, for the purposes of the provisions of the Government of Ireland Act, 1920, relating to the representation of Ireland in the House of Commons of the United Kingdom. [See s. 19 of the Act in this Chapter above.]

The appointed day for the transfer, in relation to Northern Ireland, of the powers of the Council of Ireland under the Act of 1920 was deferred by 13 Geo. 5, sess. 2, c. 2, 1 Sched. 3. By 15 & 16 Geo. 5, c. 77, s. 1 and Sched., the powers were made powers of the Parliament and Government of Northern Ireland, and transferred to that Parliament and Government as from 1st April, 1926. See Chapters III and IV below, and Part I of this work, pp. 59-61.

Definitions.

74. In this Act, unless the context otherwise requires—

The expression “existing” means existing at the appointed day.^[1]

The expression “constituency” means a county, borough, or university returning a member or members to serve in the House of Commons of Northern Ireland, or the Parliament of the United Kingdom, as the case requires.^[2]

The expression “parliamentary elector” means a person entitled to be registered as a voter at a parliamentary election:

The expression “parliamentary election” means the election of a member to serve in the Parliament of the United Kingdom:

The expression “election laws” means the laws relating to the election of members to serve in the Parliament of the United Kingdom, (other than those relating to the qualification of

electors), and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the method of voting and counting votes, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats :^[3]

The expression "customs duties" includes export duties as well as import duties :^[4]

The expression "excess profits duty" includes any tax on war-time increases of wealth, and any other tax which may hereafter be imposed in lieu of excess profits duty :^[4]

The expression "postal service" includes any telegraphic and telephonic service, and the issue, transmission and payment of Post Office money orders and postal orders, but shall not include duties with respect to old age pensions or national health insurance undertaken by the Postmaster-General or such other duties of a similar character undertaken by him as may be excluded by Order in Council :^[5]

The expression "submarine cable" includes any land lines used solely for the purpose of connecting a submarine cable with another submarine cable :^[6]

The expression "Treasury of Northern Ireland" means the department or officer, by whatever name called, for the time being entrusted with the administration of finance in Northern Ireland :^[7]

The expression "county court judge" includes recorder :^[8]

The expression "salary" includes remuneration, allowances, and emoluments :

Sect. 74

The expression "pension" includes superannuation allowance and gratuity, and in relation to an officer or constable of the Royal Irish Constabulary^[9] includes a pension or gratuity payable to the widow or children of an officer or constable :

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly :

The expression "officer" in relation to the Royal Irish Constabulary^[9] includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Depot, the Town Inspector at Belfast, a county inspector, a surgeon, a storekeeper and barrack-master, the veterinary surgeon, and a district inspector :

The expression "constable" in relation to the Royal Irish Constabulary^[9] includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable :

The expression "Royal Irish Constabulary"^[9] includes the reserve force of that body.

[1] "the appointed day." See s. 73 above.

[2] As to parliamentary constituencies, see ss. 14 and 19 above, and Chapter VI below.

[3] As to election laws, see s. 15 above.

[4] See s. 22 above.

[5] No excluding Order has been made. As to postal service, see s. 9 above.

[6] As to submarine cables, see s. 4 (8) above.

[7] The Ministry of Finance is the department so entrusted. See Chapter VI below.

[8] As to county court judges, see ss. 48 and 54 above.

[9] As to the Royal Irish Constabulary, see note [1] on

s. 9 above, and 12 & 13 Geo. 5, c. 55, in Chapter II below. **Sched. 3**
References in these definitions to the Dublin Metropolitan Police have been omitted from the text above.

75. Notwithstanding the establishment of the Parliament of Northern Ireland,^[1] or anything contained in this Act, the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things in Ireland^[2] and every part thereof.

Saving for supreme authority of the Parliament of the United Kingdom.

[¹] The text of the statute reads "Parliaments of Southern and Northern Ireland," but the Act is inoperative save in Northern Ireland.

[²] Act inoperative save in Northern Ireland.

76.—(1) This Act may be cited as the Government of Ireland Act, 1920.^[1] **Short title.**

[¹] Sub-section (2) of this section repealed the Government of Ireland Act, 1914 (4 & 5 Geo. 5, c. 90), as from the passing of the Act of 1920. For the events connected with the Act of 1914 see pp. 11–16 in Part I of this work.

SCHEDULES.

[*First Schedule repealed by 15 & 16 Geo. 5, c. 77, s. 1 (2).*]^[1]

[*Second Schedule repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).*]^[2]

[¹] For this Schedule see Appendix B below.

[²] This Schedule made provision for the composition of the Senate of Southern Ireland.

THIRD SCHEDULE.

Section 13.

COMPOSITION OF SENATE OF NORTHERN IRELAND.

PART I.

OFFICES ENTITLING HOLDERS TO BE SENATORS.

The Lord Mayor of Belfast;

The Mayor of Londonderry.

Sched. 3**PART II.****ELECTED SENATORS.**

Twenty-four senators to be elected by the members of the House of Commons of Northern Ireland.^[1]

[1] For provisions with respect to the election of Senators see the Fourth Schedule below. For first constitution of the Senate see note [1] on s. 1 (1) of the Act, p. 2 above.

Section 13.**FOURTH SCHEDULE.**

**PROVISIONS WITH RESPECT TO THE ELECTION AND
TERM OF OFFICE OF SENATORS.**

1. His Majesty may, by Orders in Council, make such provisions as may appear necessary or proper with respect to the election of senators, and in particular with respect to the issue of writs, the modes of service, and the returns to be made to such writs.^[1]

2.—(a) The term of office of every elected member of the Senate of Northern Ireland shall be eight years, provided that one half of such members shall retire at the end of every fourth year, the members to retire at the end of the first four years being selected by lot.^[2]

[(b) related to Senate of Southern Ireland.]

(c) The term of office of a senator shall not be affected by a dissolution of the Parliament of Northern Ireland.

(d) Senators shall retire at the end of their term of office and their seats shall be filled by new elections.^[3]

3. If the place of an elected senator becomes vacant before the expiration of his term of office by death, resignation, incapacity, or otherwise, the Lord Lieutenant^[4] shall cause a writ or writs to be issued for

the election by the body by whom such senator was elected of a senator in his place, but any senator so elected to fill a casual vacancy shall hold office only so long as the senator in whose stead he is elected would have held office.^[5]

Sched. 4

4. At any contested election of four or more members of the Senate of Northern Ireland, the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined by the Representation of the People Act, 1918, and His Majesty in Council shall have the same power of making regulations in respect thereto as he has under sub-section (3) of section twenty of that Act and that sub-section shall apply accordingly.^[6]

7 & 8 Geo. 5,
c. 64.

[¹] Provision was made accordingly by S. R. & O. 1921, No. 729, dated 22nd April, 1921, the text of which is as follows:—

1.—(1) This Order may be cited as the Election of Senators (Northern Ireland) Order, 1921.

Citation and
interpretation.

(2) In this Order, unless the context otherwise requires, the expression "the Act" means the Government of Ireland Act, 1920; the expression "Senate" means Senate of Northern Ireland; the expression "senators" means members of the Senate; and the expression "the Speaker" means the person, by whatever title designated, who holds for the time being in the House of Commons of Northern Ireland the office corresponding to the office of Speaker of the United Kingdom House of Commons, and includes any deputy for the time being authorised to act on his behalf.

10 & 11
Geo. 5, c. 67.

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament.

52 & 53
Vict., c. 63.

2.—(1) On the issue of the proclamation declaring the calling of a first Parliament of Northern Ireland the Lord Lieutenant shall cause writs to be issued for the election of senators by the members of the House of Commons of Northern Ireland and for the attendance of any person who, by virtue of his office, is entitled to serve as a senator in that Parliament.

Writs of
election.

Sched. 4

(2) On the issue of the proclamation declaring the calling of a new Parliament of Northern Ireland, the Lord Lieutenant* shall cause writs to be issued for the attendance of every person who, by virtue of his office or by election, is entitled to serve as a senator in that Parliament.

(3) When the place of an elected senator becomes vacant by reason of the expiration of his term of office, or his death, resignation, or incapacity, or otherwise, the Lord Lieutenant* shall, upon the vacancy being certified to him by the proper officer of the Senate, cause a writ to be issued for the election of a new senator.

(4) Writs for the election of senators shall be according to the Form A in the Appendix to this Order, and every such writ, as soon as may be after the issue thereof, shall be transmitted by the Clerk of the Crown and Hanaper* to the Speaker, who shall be the returning officer for the purposes of the election.

* Now "Governor" and "Clerk of the Crown."

Election.

3. Subject to the provisions of the Act and of this Order, an election of senators shall be held at such time, not being more than one month after the receipt of the writ by the Speaker, and in such manner as may be provided by regulations or directions made or given by the House of Commons of Northern Ireland or (in the absence of or subject to regulations or directions so made or given) by the Speaker.

Contested elections of four or more Senators.

7 & 8 Geo. 5,
c. 64.

4. At any contested election of four or more senators the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined by the Representation of the People Act, 1918, and shall be conducted in accordance with the provisions of the Irish Senates (Proportional Representation) Order, 1921. (For this Order see p. 131 below.)

Other contested elections.

5. At any contested election of less than four senators, each elector may give one vote to each of the candidates, not exceeding the number to be elected, and no vote shall be transferable. The candidates, or if one senator only is to be elected, the candidate, receiving the greatest number of valid votes shall be deemed to be elected and shall be declared elected accordingly:

Provided that, where an equality of votes is found to exist between two or more candidates, the Speaker shall

determine by lot which of such candidates is or are to be deemed to be elected, and the candidate or candidates so determined shall be declared elected accordingly. **Sched. 4**

6. The Speaker at the conclusion of the election shall forthwith make return to the writ by endorsing thereon the names, places of abode, and professions, occupations, or descriptions of the persons elected as senators, and by transmitting the same to the Clerk of the Crown. **Return of writ.**

7. The Clerk of the Crown, on the receipt of the writ with the return thereto from the Speaker, shall cause the return to be entered in a book, called the "Return Book," to be kept by him for that purpose, and shall transmit a copy of that book, or of any entry in the case of a by-election, to the proper officer of the Senate. **Return Book.**

8. Any writ or other document required in pursuance of this Order to be transmitted may be transmitted by delivering it to the person to whom it is to be transmitted, or by sending it by post in a letter addressed to him at his office or usual or last known residence or place of business. **Transmission of documents.**

9. The enactments relating to the taking of the oath required to be taken by members of the House of Commons of the United Kingdom shall, in their application to the members of the Senate, have effect with the following modifications:—

- (a) references to the Parliament of Northern Ireland and to the Senate shall be substituted respectively for references to the Parliament and to the House of Commons of the United Kingdom;
- (b) references to the person holding in the Senate the office corresponding to the office of Speaker shall be substituted for references to the Speaker of the House of Commons of the United Kingdom:

Provided that, until such person has been chosen by the Senate, his powers and duties shall be exercised and performed by the Lord Mayor of Belfast; and until standing orders have been made for the purpose by the Senate the time and manner of taking the oath shall be such as may be directed by the person aforesaid or, if no such person has been chosen, by the said Lord Mayor. (This proviso is now spent—see Standing Order XXI.)

Sched. 4

APPENDIX.

FORM A.

A WRIT FOR THE ELECTION OF SENATORS TO THE
PARLIAMENT OF NORTHERN IRELAND.

GEORGE THE FIFTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, To the Speaker of the House of Commons of Northern Ireland, GREETING:

We command you that, notice of the time and place of election being first duly given, you do cause election to be made according to law by the members of the House of Commons of Northern Ireland of* Senators to serve in the Parliament of Northern Ireland, and that you do cause the names of such Senators when so elected to be certified to Us in the Office of the Clerk of the Crown for Northern Ireland.

Witness Our Governor of Northern Ireland at Belfast,
the day of , in the
year of Our Reign and in the year of our Lord
193 .

Clerk of the Crown for Northern Ireland.

To.....

* Here insert the number of Senators to be elected.

The Regulations made by the Speaker of the House of Commons, and at present in force under Article 3 of the above Order in Council, are as follows:—

1. Each candidate for election as a Senator must be nominated in a nomination paper signed by one member of the House of Commons, as proposer, and by one other member as seconder.
2. Every nomination paper shall state the surname and other name or names in full of the candidate therein nominated, his place of abode, and profession, occupation,

or description, and the respective places of abode of the proposer and seconder. **Sched. 4**

3. The period allowed for nomination will expire at such time and on such day as I shall notify, and a nomination paper must be sent so as to be received at my office in the Parliament House, Belfast, before the expiration of that period.

No nomination paper will be valid which is not received as aforesaid.

4. Any nomination of a person disqualified for election by virtue of section eighteen of the Government of Ireland Act, 1920, shall be invalid.

5. As soon as practicable after its receipt each nomination paper will be examined by me. Any nomination paper which is not in accordance with these regulations will be rejected. My decision as to the validity of any nomination shall, subject to the provisions of Regulation 14, be final.

6. If, at the expiration of the period allowed for nomination, the number of candidates who stand nominated is equal to or less than the number of Senators to be elected, those candidates will be declared elected. The names of the person or persons so elected will be published and notice of election sent to each of them.

7. If, at the expiration of the period allowed for nomination, the number of candidates who stand nominated exceeds the number of Senators to be elected, a poll shall be taken.

8. A candidate may withdraw from his candidature by delivering or sending to me a notice of withdrawal signed by him; but no such notice shall have effect unless it is received by me within one hour after the expiration of the period allowed for nomination.

9. If one or more of the candidates dies or becomes disqualified for being elected as a Senator after the expiration of the period allowed for nomination, and as a result the number of candidates who stand nominated is less than or equal to the number of Senators to be elected, the poll will be countermanded and the remaining candidate or candidates declared duly elected.

10. If, pursuant to Regulation 7, a poll is required to

Sched. 4

be taken, the election will be conducted in accordance with the provisions of the Election of Senators (Northern Ireland) Order, 1921.

11. As soon as possible after the date of nomination, and not later than the day on which the poll opens, a voting paper containing a list of the candidates described as in their nomination papers, and arranged alphabetically in the order of their surnames, together with a notice stating the time at which the poll will close, will be sent by registered post to each member of the House of Commons, at the address given in the form in which he was nominated as a candidate for the House of Commons, or at his last known residence or place of business.

12. A member of the House of Commons shall vote by filling up his voting paper in the manner directed by the Election of Senators (Northern Ireland) Order, 1921, signing it in the presence of a witness, and delivering the same by hand or sending the same by post, so that it shall reach my office before the close of the poll, at such time and on such day as I shall notify. No voting paper received after the close of the poll will be counted.

13. As soon as may be after the close of the poll the votes will be counted at the Parliament House, Belfast, and the result of the election declared by publication of the names of the candidates elected at the main entrance to the Parliament House, Belfast. Notice of election will be sent to each person elected, at the address stated in his nomination paper. My decision as to the validity of any voting paper shall, subject to the provisions of Regulation 14, be final.

14. If any question arises as to the validity of an election, or as to any decision given by me under these Regulations, the same will be determined by the House of Commons, or in such manner as that House may direct.

[²] "by lot." The ballot for retirement was directed by the Speaker of the Senate to take place on 3rd June, 1925, after the sitting of the House on that day. See Parl. Pro. (Senate), 28th May, 1925.

[³] The Speaker of the Senate, for the purposes of his salary under 12 Geo. 5, c. 7 (N.I.), is deemed to continue

in office as Speaker, notwithstanding his retirement from office as Senator, until a new Speaker shall be chosen. **Sched. 4**

[4] "Lord Lieutenant." Now the Governor of Northern Ireland. See 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1 (1).

[5] Words in this article referring to the Senate of Southern Ireland have been omitted.

[6] "proportional representation." This power was exercised by S. R. & O. 1921, No. 727, dated 22nd April, 1921, the text of which is as follows:—

1.—(1) This Order may be cited as the Irish Senates (Proportional Representation) Order, 1921. Citation and interpretation.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament.

2. The Rules contained in the Schedule to this Order shall apply in the case of any contested election of four or more members of the Senate of . . . Northern Ireland. Application of Rules.

SCHEDULE.

PART I.

1. The election shall be conducted in accordance with the following Rules, as illustrated in Part II of this Schedule. General.

2.—(1) Every elector shall have one transferable vote.

(2) An elector in giving his vote—

(a) must place on his voting paper the figure 1 opposite the name of the candidate for whom he votes;

(b) may, in addition, place on his voting paper the figure 2, or the figures 2 and 3, or 2, 3, and 4, and so on, opposite the names of other candidates, in the order of his preference.

3. The forms contained in Part III of this Schedule, or forms to the like effect, shall be used for the purposes to which they are expressed to be applicable. Forms.

4. A voting paper shall be invalid and not counted—

(a) on which the figure 1 standing alone, indicating a first preference for some one candidate, is not placed; or Invalid voting papers.

(b) on which the figure 1 standing alone, indicating a first preference, is set opposite the name of more than one candidate; or

(c) on which the figure 1 standing alone, indicating a first preference, and some other number, is set opposite the name of the same candidate; or

(d) which is unmarked, unsigned, or void for uncertainty.

Sched. 4

Arrangement
and counting
of voting
papers.

5.—(1) The returning officer shall, after rejecting any voting papers that are invalid, cause the valid voting papers to be arranged in parcels according to the first preferences recorded for each candidate.

(2) For the purpose of facilitating the processes prescribed by these Rules, each valid voting paper shall be deemed to be of the value of one hundred.

(3) The returning officer shall count the number of papers in each parcel, and in accordance with sub-section (2) of this Rule credit each candidate with the value of the valid papers on which a first preference has been recorded for such candidate.

Ascertain-
ment
of quota.

6. The returning officer shall then add together the values in all the parcels and divide the full total value by a number exceeding by one the number of vacancies to be filled. The result increased by one, any fractional remainder being disregarded, shall be the number sufficient to secure the return of a candidate. This number is herein called the "quota."

Candidates
with quota
deemed
elected.

7. If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected.

Transfer of
surplus.

8.—(1) If at the end of any count the value credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this Rule to the continuing candidate or candidates indicated on the voting papers in the parcel or sub-parcel of the elected candidate, according to the next available preferences recorded thereon.

(2)—(a) If the value credited to an elected candidate arises out of original votes only, the returning officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred, and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon and shall make a separate sub-parcel of the non-transferable papers.

(b) If the value credited to an elected candidate arises out of original and transferred votes, or of transferred votes only, the returning officer shall examine the papers contained in the sub-parcel last received by the elected candidate, and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences recorded thereon and shall make a separate sub-parcel of the non-transferable papers.

(c) In either of the cases referred to in paragraphs (a) and (b) in this sub-section, the returning officer shall ascertain the number of papers and their total value in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the surplus is equal to or greater than the total value of the papers in the sub-parcels of transferable papers, the returning officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, each paper being transferred at the value at which it was received by the candidate whose surplus is being transferred.

Sched. 4

When the surplus is greater than the total value of the sub-parcels of transferable papers, the non-transferable papers shall be set aside as not effective, at a value which is equal to the difference between the surplus and the total value of the sub-parcels of transferable papers.

(4) If the surplus is less than the total value of the transferable papers, the returning officer shall transfer each paper in each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of transferable papers, fractional remainders being disregarded, except that the consequential loss of value shall be noted on the Result Sheet.

(5) A surplus which arises on the completion of any count shall be dealt with before a surplus which may arise at a subsequent count.

When two or more surpluses arise out of the same count, the largest shall be first dealt with, and the others shall be dealt with in the order of their magnitude.

If two or more candidates have each an equal surplus arising out of the same count, the surplus of the candidate credited with the greatest value at the earliest count at which the values credited to these candidates were unequal shall be first dealt with. Where the values credited to such candidates were equal at all counts, the returning officer shall determine by lot which surplus he will first deal with.

9.—(1) If at the end of any count no candidate has a surplus and one or more vacancies remain unfilled, the returning officer shall exclude the candidate credited with the lowest value, and shall transfer his papers to the continuing candidate or candidates indicated on the voting papers in the parcel or sub-parcels of the excluded candidate as the voter's next available preference, and shall credit the continuing candidate or candidates with the value of the papers transferred. **Exclusion of candidates.**

(2)—(a) The parcel containing original votes shall first be transferred, the transfer value of each paper being one hundred.

(b) The sub-parcels containing transferred votes shall then be transferred in the order in which and at the value at which the excluded candidate obtained them.

(3) In the transfer of each parcel or sub-parcel a separate sub-parcel shall be made of the non-transferable papers, which shall be set aside at the value at which the excluded candidate obtained them.

(4) If, when a candidate has to be excluded under this Rule, two or more candidates are each credited with the same value and are lowest, regard shall be had to the total value of original votes credited to each of those candidates, and the candidate with the smallest total value shall be excluded, and where the total values are equal, regard shall be had to the total value credited to those candidates at the earliest count at which they had unequal values, and the candidate with the smallest value at that count shall be excluded.

Sched. 4

If two or more candidates are lowest, and are each credited with the same value at all counts, the returning officer shall arrange the papers of such candidates according to the next available preferences recorded thereon for continuing candidates, including the candidates in question, and shall exclude that lowest candidate for whom the total value of the next available preferences expressed is smallest, and if the total values of next available preferences recorded for two or more of the candidates in question are then equal and smallest, the returning officer shall determine by lot, as between the candidates last mentioned, which candidate shall be excluded.

Disposal of
papers after
any transfer.

10. Whenever any transfer is made under any of the preceding Rules, each sub-parcel of papers transferred shall be placed on top of the parcel or sub-parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a value ascertained in pursuance of these Rules.

Filling the
last
vacancies.

11.—(1) If at the end of any count the number of elected candidates is equal to the number of vacancies to be filled, no further transfer shall be made.

(2)—(a) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

(b) When only one vacancy remains unfilled, and the value credited to some one continuing candidate exceeds the total of the values credited to the other continuing candidates, together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.

(3) When the last vacancies can be filled under this Rule, no further transfer shall be made.

Result
Sheet.

12. The returning officer shall record the total of the values credited to each candidate at the end of every count. Such record shall include—

(1) the value of the non-transferable papers not effective; and

(2) the loss of value owing to disregard of fractions;

and may be in accordance with the form set out in Part III of this Schedule, or in a form to the like effect.

Definitions.

13. In these Rules—

(1) The expression “continuing candidate” means any candidate not deemed to be elected, and not excluded.

(2) The expression “first preference” means the figure “1” standing alone, the expression “second preference” means the figure “2” standing alone in succession to the figure “1,” and the expression “third preference” means the figure “3” standing alone in succession to the figures “1” and “2,” set opposite the name of any candidate, and so on.

(3) The expression “next available preference” means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences next in order on the voting paper for candidates already deemed to be elected or excluded being ignored.

Sched. 4

- (4) The expression "transferable paper" means a voting paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.
- (5) The expression "non-transferable paper" means a voting paper on which no second or subsequent preference is recorded for a continuing candidate:
- Provided that a paper shall be deemed to have become a non-transferable paper whenever—
- (a) the names of two or more candidates (whether continuing or not) are marked with the same number and are next in order of preference; or
 - (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
 - (i) by a number not following consecutively after some other number on the voting paper; or
 - (ii) by two or more numbers; or
 - (c) it is void for uncertainty.
- (6) The expression "original vote" in regard to any candidate means a vote derived from a voting paper on which a first preference is recorded for that candidate.
- (7) The expression "transferred vote" in regard to any candidate means a vote derived from a voting paper on which a second or subsequent preference is recorded for that candidate.
- (8) The expression "surplus" means the number by which the total value of the votes, original and transferred, credited to any candidate exceeds the quota.
- (9) The expression "count" means—
- (a) all the operations involved in the counting of the first preferences recorded for candidates; or
 - (b) all the operations involved in the transfer of the surplus of an elected candidate; or
 - (c) all the operations involved in the transfer of the votes of an excluded candidate.
- (10) The expression "deemed to be elected" means deemed to be elected for the purpose of counting, but without prejudice to the declaration of the result of the election.
- (11) The expression "determine by lot" means determine in accordance with the following direction:—

The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification, and mixed and drawn at random, the candidate or candidates shall, in cases of exclusion, be excluded in the order in which their names are drawn, and, in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn.

Sched. 4**PART II.**

Example of election conducted on the system of the single transferable vote set out in Part I of this Schedule.

Let it be assumed that there are ten members to be elected, and that there are twenty candidates—A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T.

First Count.

Arrangement
and counting
of voting
papers.
Rule 5.

The voting papers having been examined, the papers that are invalid being rejected, the valid papers are arranged in separate parcels under the names of the candidates marked with the figure 1. Each separate parcel is counted, and the result of the count may be supposed to be as follows:—

							Valid papers.
A	...	...	...	...	...	...	6
B	...	...	...	...	...	...	4
C	...	...	...	...	...	...	3
D	...	...	...	...	...	...	3
E	...	...	...	...	...	...	3
F	...	...	...	...	...	...	2
G	...	...	...	...	...	...	2
H	...	...	...	...	...	...	2
I	...	...	...	...	...	...	2
J	...	...	...	...	...	...	2
K	...	...	...	...	...	...	2
L	...	...	...	...	...	...	1
M	...	...	...	...	...	...	1
N	...	...	...	...	...	...	1
O	...	...	...	...	...	...	1
P	...	...	...	...	...	...	1
Q	...	...	...	...	...	...	1
R	...	...	...	...	...	...	1
S	...	...	...	...	...	...	1
T	...	...	...	...	...	...	1
Total							40

Each valid voting paper is deemed to be of the value of 100, and the values of the votes obtained by the respective candidates are as shown in the first count in the Result Sheet.

Ascertainment
of quota.
Rule 6.

The Quota.

Candidate
with quota
deemed to
be elected.
Rule 7.

It is found that the full total values in all the parcels is 4,000. This total is divided by 11 (*i.e.*, the number which exceeds by one the number of vacancies to be filled), and 364 (the quotient 363—disregarding the fractional remainder—increased by one) is the “Quota,” the value sufficient to secure the return of a candidate.

A's and B's values each exceed the quota, and they are thus deemed to be elected. **Sched. 4**

Second Count.

A and B both have surpluses which have to be transferred.

A's surplus of 236, being the largest, is first transferred.

This surplus arises from original votes, and therefore the whole of A's papers are divided into sub-parcels according to the next available preferences thereon, a separate parcel being made of the non-transferable papers (any papers showing a second preference for B—who, having a surplus, is deemed to be elected—being placed in the sub-parcel of the candidate for whom a third preference is indicated, or in the sub-parcel of non-transferable papers if a third preference is not indicated).

Transfer of surplus.
Rule 8.

Largest surplus first.
Rule 8 (5).

The result is found to be as follows:—

A next available preference is indicated—

for C on	...	...	...	2 papers.
for D on	...	...	...	1 paper.
for F on	...	...	...	1 paper.
for L on	...	...	...	1 paper.
Total of transferable papers				5 papers.
Total of non-transferable papers				1 paper.
Total of papers				6

The values of the papers in the sub-parcels are:—

to C	...	...	...	= 200
to D	...	...	...	= 100
to F	...	...	...	= 100
to L	...	...	...	= 100
Total value of transferable papers				500
Total value of non-transferable papers				100
Total value				600

The surplus is less than the total value of the transferable papers.
The surplus is therefore transferred as follows:—

All the transferable papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of transferable papers. The reduced value of all the papers, when added together, with the addition of any value lost as the result of fractions being disregarded, equals the surplus. In this case the new value of each paper transferred is—

Value at which paper is to be transferred.
Rule 8 (4).

$$\frac{236 \text{ (the surplus)}}{5 \text{ (the number of transferable papers)}} = 47,$$

Sched. 4

the residue of the value of the five transferable papers, namely, 264, together with the non-transferable paper at its original value of 100, being required by A to constitute his quota. The loss of value owing to fractions being disregarded is, as shown in the Result Sheet, 1.

The values of the sub-parcels transferred are:—

C = 94 (i.e., 2 papers at the value of 47).

D = 47 (i.e., 1 paper at the value of 47).

F = 47 (i.e., 1 paper at the value of 47).

L = 47 (i.e., 1 paper at the value of 47).

The operations involved are summarised in the following table:—

Transfer of A's Surplus.

Value of surplus	...	...	...	...	236
Number of transferable papers	...	...	...	...	5
Number of non-transferable papers	...	...	...	...	1
Original value of each paper in A's parcel	...	...	...	...	100
Value of transferable papers	...	...	...	...	500
Value of non-transferable papers	...	...	...	...	100
New value of each paper transferred:—					

Surplus	236
Number of transferable papers	5
	= 47

Names of Candidates indicated as the next available preference.					Number of Papers to be transferred.	Value of sub-parcel to be transferred.
C	...	...	...	...	2	94
D	...	...	...	...	1	47
F	...	...	...	...	1	47
L	...	...	...	...	1	47
Totals	...	...	...	...	5	235
Number of non-transferable papers					1	—
Loss of value owing to disregard of fractions					—	1
Totals	...	...	...	...	6	236

The result of this operation is as shown on the Result Sheet under the heading Second Count.

*Third Count.***Sched. 4**

C now has a surplus, which it is necessary to transfer; but B's surplus, having arisen at a prior count, is first transferred.

B's surplus of 36 is transferred in a similar manner to A's, but as there are no non-transferable papers, the value at which these

papers are transferred is $\frac{36}{4} = 9$.

The surplus is distributed, according to next available preferences, as follows:—

$$D = (1 \times 9) = 9$$

$$G = (1 \times 9) = 9$$

$$L = (1 \times 9) = 9$$

$$M = (1 \times 9) = 9$$

Loss value owing to disregard of fraction ... nil

36

Fourth Count.

C's surplus of 30 is next to be transferred. In this case only the last sub-paragraph received by C is taken into account. This sub-paragraph consists of two papers transferred from A at the value of 47 each.

The details are as follows:—

Value C's surplus = 30

Number of papers in sub-paragraph = 2

Number of transferable papers = 2

Value of each paper = 47

Value of transferable papers = 94

30

New value of each paper transferred = 15

2

A next available preference is shown for M on 1 paper.

A next available preference is shown for N on 1 paper.

The papers are transferred at the value of 15, and this value is credited to M and N respectively, as shown on the Result Sheet.

Fifth Count.

No candidate now has a surplus, and one candidate has to be excluded.

The lowest value at the end of the fourth count credited to any candidate is 100. There are, however, six candidates to whom this value is credited, viz., O, P, Q, R, S, T, who are also credited with equal values at all counts. One of these candidates has to be excluded. The returning officer accordingly arranges the papers of these six candidates according to the next available preferences recorded thereon for continuing candidates (including candidates O, P, Q, R, S, T).

Transfer of a surplus arising at a prior count. Rule 8 (5).

Transfer of surplus. Only sub-paragraph last received examined. Rule 8 (2) (b). Surplus less than total value of the transferable papers.

Exclusion of a candidate. Rule 9.

Two or more candidates lowest and equal at all counts. Rule 9 (4).

Sched. 4

The result of this arrangement is as follows:—

on O's paper the next available preference is indicated for T
 on P's paper the next available preference is indicated for S
 on Q's paper the next available preference is indicated for R
 on R's paper the next available preference is indicated for Q
 on S's paper the next available preference is indicated for P
 on T's paper the next available preference is indicated for M

The values are therefore:—

for M	...	...	...	...	100
for O	...	...	...	...	nil
for P	...	...	...	...	100
for Q	...	...	...	...	100
for R	...	...	...	...	100
for S	...	...	...	...	100
for T	...	...	...	...	100

Thus the smallest value of next available preferences indicated for candidates O, P, Q, R, S, T, is that shown for O, *i.e.*, nil.

Transfer at original value.

Rule 9(2)(a).

O is accordingly excluded. His parcel consists of one original paper, which is transferred to T at its value of 100. (There are no sub-parcels.)

Sixth Count.

Determination by lot.
 Rules 9 (4)
 and 13 (11).

No candidate has a surplus, and there are now four candidates equal and lowest. As a result of similar procedure it is found that the values of the next available preferences are in this case equal for each of the candidates in question; the returning officer therefore determines by lot which of the candidates P, Q, R, S is to be excluded.

He accordingly proceeds as directed by Rule 13 (11). The slip of paper containing the name of S is drawn first; S is thus excluded, and the value of his paper (100) is transferred to P.

Seventh Count.

Similarly R is excluded, and the value of his original vote (100) is transferred to Q, the next available preference.

Eighth Count.

No candidate has a surplus. N is lowest, and is excluded.

N's parcel of original votes contains 1 paper on which a next available preference is indicated for H. The value of this paper is 100, its original value.

Transfer of sub-parcel containing transferred votes.

Rule 9(2)(b).

The sub-parcel first received contains 1 paper which N received at a value of 15, and on which the next available preference is indicated for M.

The papers are transferred as follows:—

To H	...	...	1 paper at the value of 100
To M	...	...	1 paper at the value of 15

Each of these transfers is carried out separately, but the combined result is shown on the Result Sheet under the heading Eighth Count.

*Ninth Count.***Sched. 4**

There is still no surplus. M, being credited with the lowest value, has to be excluded.

His parcel contains 1 original paper, on which no available preference is expressed for a continuing candidate. The value of this paper (100) is thus not effective.

M has also three sub-parcels, as follows:—

- (a) Sub-parcel received first containing 1 paper at the value of 9.
- (b) Sub-parcel received second containing 1 paper at the value of 15.
- (c) Sub-parcel received third containing 1 paper at the value of 15.

On the paper mentioned at (a) the next available preference is for I.

On the paper mentioned at (b) the next available preference is for P.

On the paper mentioned at (c) the next available preference is for T.

Each paper is transferred, and the value credited as follows:—

To I	...	...	...	1 paper at value of 9
To P	...	...	...	1 paper at value of 15
To T	...	...	...	1 paper at value of 15

Tenth Count.

L is now lowest.

His parcel of original votes contains 1 paper, on which F is indicated as next preference.

This paper is transferred to F at the value of 100.

The sub-parcel first received contains 1 paper, received at the value of 47, indicating E as next available preference.

This paper is transferred to E at its value of 47.

In the sub-parcel next received, the paper contained therein indicates J as the next available preference.

This paper is transferred to J at its value of 9.

Eleventh Count.

There is still no surplus. Two candidates are lowest, and are equal, K and Q being each credited with the value of 200. Regard is therefore had to the total value of original votes credited to these candidates—K had 200, and Q 100.

Q is therefore excluded.

(a) On examination it is found that in the parcel of original votes there is 1 paper on which no preference is indicated for a continuing candidate.

(This paper indicated a next preference for R, who has been already excluded.)

(b) The sub-parcel received from R on exclusion, at the value of 100, indicates K as next available preference.

The value of 100 is added to the value of the non-transferable papers not effective in respect of the parcel.

The value of 100 is credited to K in respect of the sub-parcel.

Two candidates equal and lowest. Regard had to total value of original votes. Rule 9 (4).

Sched. 4*Twelfth Count.*

There are now three candidates lowest, viz., G, I, J, the value in each case being 209.

The values were equal at the first count, and regard is therefore had to the first count at which they had unequal values.

Regard had to first count at which values were unequal.

Rule 9 (4).

		First Count.	Third Count.	Ninth Count.
G	...	200	209	209
I	...	200	200	209
J	...	200	200	200

J is thus lowest, and is excluded.

J's parcel of original votes is examined and found to contain 2 papers (original value of each, 100).

On 1 paper the next available preference is indicated for G, and on the other paper no preference is indicated for a continuing candidate.

The paper is accordingly transferred to G at a value of 100, and the non-transferable paper set aside at the value of 100.

The sub-parcel contains 1 paper received at the value of 9, which indicates I as next available preference. This paper is transferred to I at the value of 9.

Thirteenth Count.

There are now two candidates lowest, P and T. It is ascertained, as at the preceding count, that P was lowest at the first count at which P and T had unequal values.

P is therefore excluded.

His parcel and sub-parcels (two) are similarly examined, and it is found that the next available preference on the original vote was for I. (*Note.*—The next preference was for S, who at this count is not a continuing candidate, having been excluded.)

(a) In the sub-parcel first received, containing 1 paper (at the sixth count at the value of 100), a next available preference is indicated for T.

(b) In the next sub-parcel, containing 1 paper received at the value of 15 (ninth count), no further available preference is indicated.

The paper at (a) is transferred to T at the value of 100.

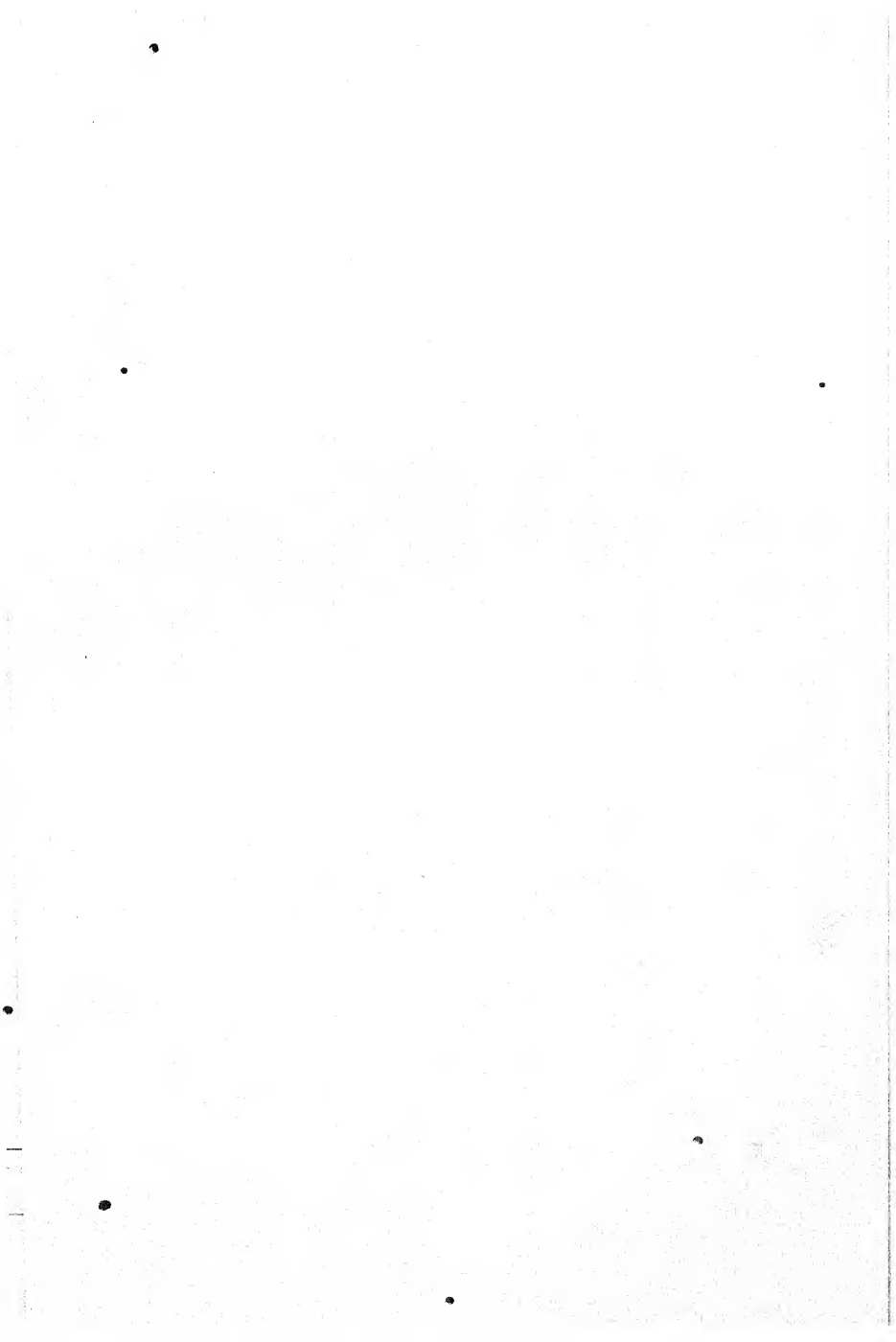
The paper at (b) is set aside as not effective at the value of 15.

There are now seven vacancies remaining to be filled, and there are eight continuing candidates. Two of these candidates, H and K, are lowest, but are equal. Upon examination it is found that at the first count (viz., the eighth) at which the values credited to them were unequal, K was lowest. K is therefore formally excluded. Thus the number of continuing candidates is equal to the number of vacancies remaining unfilled.

* These remaining vacancies being filled, no further transfer is required.

The result of the various operations is set out in the following "Result Sheet."

Last
vacancies.
Rule 11.





PART III.

Form of Voting Paper.

SENATE OF NORTHERN IRELAND.

VOTING PAPER.

Mark order of preference in spaces below.	Names of Candidates.
	A.
	B.
	C.
	D.
	E.
	F.
	G.

(Signed) A.B.

Address.....

The.....day of.....193.....

INSTRUCTIONS TO ELECTORS.

The elector votes—

- (a) by placing the figure 1 opposite the name of the candidate he likes best.

He is also invited to place—

- (b) the figure 2 opposite the name of his second choice;
 (c) the figure 3 opposite the name of his third choice, and so on, numbering as many candidates as he pleases in order of his preference. The number of preferences is not restricted to the number of vacancies.

FIFTH SCHEDULE.^[1]

PART II.

CONSTITUENCIES IN NORTHERN IRELAND.^[2]*Boroughs.*

Constituency.	Number of Members for Parliament of United Kingdom.
BELFAST:	
East Belfast, consisting of the Pottinger and the Victoria Divisions	1
North Belfast, consisting of the Duncairn and the Shankill Divisions	1
South Belfast, consisting of the Cromac and the Ormeau Divisions	1
West Belfast, consisting of the Falls, St. Anne's and the Woodvale Divisions ...	1
Total (Boroughs)	4

Counties.

Constituency.	Number of Members for Parliament of United Kingdom.
Antrim	2
Armagh	1
Fermanagh	} 2
Tyrone	
Londonderry (including the Borough of Londonderry)	1
Down	2
Total (Counties)	8

Sched. 5

Sections
19 and 71.

Sched. 5*University.*

Constituency.				Number of Members for Parliament of United Kingdom.
Queen's University of Belfast	...	...	...	1
Total (University)	...	...	...	1
Total of Members:				
Borough members	...	...	...	4
County members	...	...	...	8
University members	...	...	...	1
Total members	...	...	...	13

[¹] Part I of this Schedule defined the constituencies of Southern Ireland. See also Part I of this work, pp. 18, 19.

[²] This Part of the Schedule, as originally enacted, allotted also to the same constituencies fifty-two members for the Parliament of Northern Ireland. For the present distribution, see 19 Geo. 5, c. 5 (N.I.), in Chapter VII below.

Section 23.

SIXTH SCHEDULE.**IMPERIAL LIABILITIES AND EXPENDITURE.^[1]**

I. National Debt charges, that is to say:—

- (1) The charge in respect of the funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt and inclusive of the cost of the management of the said funded and unfunded debt; and

- (2) All other charges on the Consolidated Fund **Sched. 6**
of the United Kingdom for the repayment of
borrowed money or to fulfil a guarantee,
other than charges in respect of local loans
stock and any guaranteed stock raised for
the purpose of land purchase in Ireland;

after deducting any sums received by way of interest
on any advances made to the Government of any of
His Majesty's Dominions or any foreign country:

Provided that any debt or charge incurred or created
after the passing of this Act for raising money for the
purpose of any expenditure which is not Imperial
expenditure within the meaning of this Schedule shall
be excluded.

II. Naval, Military, and Air Force expenditure (in-
cluding pensions and allowances payable to persons
who have been members of or in respect of service in
any of the naval, military, or air forces, or their widows
or dependants, and provision for the training, educa-
tion, employment, and assistance for the reinstatement
in civil life of persons who have ceased to be members
of any such force).

III. Civil expenditure, that is to say:—

(a) Civil List and Royal Family.

(b) Expenditure in connexion with—

- (i) the Parliament of the United Kingdom;
- (ii) the National Debt Commissioners;
- (iii) the Foreign Office and diplomatic and
consular services, including secret
service, special services, and tele-
graph subsidies;
- (iv) the Colonial Office, including special
services and telegraph subsidies;

Sched. 6

- (v) trade with any place out of the United Kingdom;
- (vi) the Mint;
- (c) Such of the expenditure in connexion with any other Government department as the Joint Exchequer Board may determine to be Imperial expenditure; ^[2]

after deducting any sums received otherwise than by way of taxation which the Joint Exchequer Board may determine to be of the nature of Imperial receipts.

[¹] As to the Imperial contribution, see pp. 48-50 in Part I of this work.

[²] The Joint Exchequer Board was constituted under s. 32 of the Act above.

Sections
49 and 50.

SEVENTH SCHEDULE.**PART II.****SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND.**

1.—(1) His Majesty's High Court of Justice in Northern Ireland shall consist of three judges, namely, the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two puisne judges.

(2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Northern Ireland for the purposes of his powers and duties in relation to land purchase.^[1]

2.—(1) His Majesty's Court of Appeal in Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal.

(3) The Lord Chief Justice of Northern Ireland may request any judge of the High Court of Justice in Northern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Northern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal. **Sched. 7**

PART III.

TRANSITORY PROVISIONS.

1. All the existing judges of the Supreme Court of Judicature in Ireland, other than the Lord Chancellor, shall, as from the appointed day, be transferred to and become judges holding corresponding offices in the Supreme Court of Southern Ireland:

^[2] Provided that—

(a) if any such judge not less than one month before the appointed day notifies to the Lord Chancellor of Ireland his desire to be transferred to the Supreme Court of Northern Ireland, he shall, if the Lord Chancellor and the Lord Chief Justice of Northern Ireland approve, be transferred to and become a judge of that court instead of a judge of the Supreme Court of Southern Ireland;

(d) the Lord Chief Justice of Northern Ireland shall be appointed not less than one month before the appointed day.

3. Subject to the provisions of this Schedule with respect to the existing solicitors, all existing officers of or attached to the Supreme Court of Judicature in Ireland (including the Registrar in Lunacy and the

Sched. 7

officers employed in his office) shall, as from the appointed day, be transferred to and become officers holding corresponding offices in or attached to the Supreme Court of Southern Ireland:

Provided that—

- (a) if any such officer not less than one month before the appointed day notifies to the Lord Chancellor his desire to be transferred to the Supreme Court of Northern Ireland, he shall, if the Lord Chancellor and the Lord Chief Justices of Southern Ireland and Northern Ireland approve, be transferred to and become an officer of or attached to the Supreme Court of Northern Ireland; and
- (b) any such officer, if concerned wholly with functions of the Lord Chancellor which are retained by the Lord Chancellor, shall remain an officer of the Lord Chancellor, and, if concerned wholly or mainly with functions of the Lord Chancellor or Master of the Rolls which are by this Act transferred to the Lord Lieutenant, shall become an officer attached to the Lord Lieutenant, and shall hold office by the same tenure and upon the same terms and conditions by and upon which he holds office on the appointed day, and any question as to whether any such officer is wholly or mainly so concerned shall be determined by the Lord Lieutenant.^[3]

4. All existing members of the Irish Bar^[4] shall, as from the appointed day, become members both of the Bar of Southern Ireland and of the Bar of Northern Ireland, and shall have right of audience in the Supreme Court both of Southern Ireland and of Northern Ireland.

5. All existing solicitors^[51] of the Supreme Court of Judicature in Ireland shall, as from the appointed day, become solicitors of the Supreme Court both of Southern Ireland and of Northern Ireland. **Sched. 7**

6. Any person who on the appointed day is apprenticed to a solicitor of the Supreme Court of Judicature in Ireland shall, if he is thereafter admitted to be a solicitor of the Supreme Court of Southern Ireland or Northern Ireland, become, by virtue of such admission, a solicitor of the Supreme Court of Northern Ireland or Southern Ireland.

7. All proceedings, whether civil or criminal, which are pending in the Supreme Court of Judicature in Ireland at the appointed day, including proceedings in which a judgment or order has been given or made but not enforced, shall be transferred either to the Supreme Court of Southern Ireland or the Supreme Court of Northern Ireland in accordance with the following rules:—

- (1) If the parties agree, the proceeding, unless it relates to land, shall be transferred to the court so agreed upon.
- (2) If the proceeding relates to land, it shall be transferred to the court within the jurisdiction of which the land is situate:

Provided that, if the land is situate partly in Southern Ireland and partly in Northern Ireland, the proceeding shall be transferred, so far as it relates to land in Southern Ireland, to the Supreme Court of Southern Ireland, and, so far as it relates to land in Northern Ireland, to the Supreme Court of Northern Ireland, unless the proceeding is one with which either court would have jurisdiction to deal, in which case the proceeding shall be transferred in

Sched. 7

accordance with the rules applicable to proceedings other than those relating to land.

- (3) In any other case, the proceeding shall be transferred to the Supreme Court of Southern Ireland, unless the plaintiff or other person by whom the proceeding was instituted gives notice to the other party or parties of his desire to have it transferred to the Supreme Court of Northern Ireland, in which case it shall be transferred to the Supreme Court of Northern Ireland; [provided that any other party, if he objects to the transfer of the proceeding to the Supreme Court of Northern Ireland, may apply to the High Court of Appeal for Ireland, and that court shall have jurisdiction to determine to which of the courts the proceeding is to be transferred, and the decision of the High Court of Appeal for Ireland in the matter shall be final].^[6]

Where a case is transferred under the foregoing rules to either court, proceedings thereon shall be continued as if the case had originated in and the previous proceedings had been taken in that court.

[¹] "The Judicial Commissioner. . . ." This sub-section was superseded by S. R. & O. 1923, No. 615, Arts. 3 (2) and 5, set out in Chapter VIII below. Under 22 Geo. 5, c. 11, s. 5, a judge of the Supreme Court may hold the office of Land Purchase Commissioner for Northern Ireland, but without remuneration in respect of that office. See Chapter V, and also S. R. & O. 1927, Nos. 595 and 1061, in Chapter VIII below.

[²] Paragraphs (b) and (c) of this proviso omitted as being spent.

[³] See ss. 44 and 45 above.

[⁴] "the Irish Bar." S. R. & O. 1926, No. 917, set out in Chapter VIII below, provides that references in any

enactment to the Irish Bar are to be construed as including references to the Bar of Northern Ireland. **Sched. 7**

On 11th January, 1926, the judges of the Supreme Court of N.I. and the members of the Bar practising in the courts of N.I. met at the Law Courts, Belfast, and formed themselves into a Society under the name of "The Society of the Inn of Court of Northern Ireland." The Society receives, to assist legal education, a share in the proceeds of certain stamp duties under 16 & 17 Geo. 5, c. 24 (N.I.), s. 3. In the year 1927 His Majesty was pleased to permit the Society to assume the title "Honorable."

Calls to the Bar are given by the Lord Chief Justice of Northern Ireland. A King's Counsel is sworn and called to the Inner Bar upon a warrant of the Governor of Northern Ireland. An Utter Barrister is called on presentation by the Benchers of the Inn of Court of Northern Ireland after passing the final examination at the end of the prescribed course of education. There is a Bar Council to safeguard the interests of the profession, and a Northern Ireland Circuit whose members are elected. A practising member of the Bar has a place on the Supreme Court Rules Committee—see S. R. & O. 1921, No. 1802, art. 4, in Chapter VIII below.

[5] "solicitors." As to the regulation of this profession in Northern Ireland, see s. 47 of the Act of 1920 and note thereon, above.

[6] The proviso in square brackets ceased to have effect by virtue of 13 Geo. 5, sess. 2, c. 2, 1 Sched. 6, set out in Chapter III below.

EIGHTH SCHEDULE.

Section 55.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1.—(1) If any existing Irish officer^[1] who is serving in the civil service of the Crown in an established capacity, or who, though not so serving in an established capacity, devotes his whole time to the duties of his office—

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- (a) retires under the conditions hereinafter defined as the statutory conditions of retirement; or
- (b) retires with the permission of the Civil Service Committee for Northern Ireland,^[2] given in accordance with this Schedule; or
- (c) is removed from office by the Government of Northern Ireland before he attains the age of sixty-five years for any cause other than misconduct or incapacity, or is required to retire by the Government of Northern Ireland before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee for Northern Ireland^[2] may award to him in accordance with the provisions of Part I of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II of the Rules contained in this Schedule if though not serving in an established capacity he devotes his whole time to the duties of his office.

(2) If any existing Irish officer who is serving in the civil service of the Crown, not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Government of Northern Ireland for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee for Northern Ireland^[2] may award to him in accordance with the provisions of Part II of the Rules contained in this Schedule.

(3) The compensation of an officer serving in an established capacity who has previously served in a

non-established capacity may be determined in accordance with the provisions of Part II instead of the provisions of Part I of the Rules contained in this Schedule, if he so requires, and in that case the limit of the compensation shall be the amount of compensation which might have been awarded if his whole service had been service in an established capacity, and the compensation of an officer not serving in an established capacity may be determined in accordance with the provisions of Part I instead of the provisions of Part II of those Rules, if the Civil Service Committee for Northern Ireland^[2] are satisfied that he serves in a capacity which under a condition of his employment qualifies him for a superannuation allowance or gratuity on terms not less advantageous than if he served in an established capacity, and accordingly in the application to him of the provisions of Part I of those Rules references to that condition shall, where the context so requires, be substituted for references to the Superannuation Acts, 1834 to 1914.

2. For the purposes of this Schedule, the statutory conditions of retirement are that—

- (a) Retirement must take place within a period of seven years from the appointed day^[3] (in this Schedule referred to as the transitional period);
- (b) Notice of the intention to retire must be given in accordance with regulations^[4] made by the Civil Service Committee for Northern Ireland;^[2]
- (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee for Northern Ireland,^[2] if they think fit, to any later date (not being more than two years after the date of the notice) within the transitional period; and

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- (d) The retiring officer must show to the satisfaction of the Civil Service Committee for Northern Ireland ^[2] that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he has not attained the age of sixty-five years at the time when the notice is given.

3. The Civil Service Committee for Northern Ireland ^[2] shall not give their permission under this Schedule to an officer to retire unless that officer shows to the satisfaction of the Committee—

- (a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or involve an unreasonable addition to those duties; or
- (b) that, owing to changes in the conditions of his employment, his position has been materially altered.

4.—(1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown; and officers in the Registry of Petty Sessions Clerks shall be deemed for the purposes of this Schedule to be officers to whom the Superannuation Acts, 1834 to 1914, apply.

This provision shall apply to the pensionable assistants of the petty sessions clerks at Belfast as it applies to the petty sessions clerks.

5. In this Schedule references to the Government of Northern Ireland shall include references to any department or officer of the Government of Northern Ireland, and to the Council of Ireland.^[5]

RULES—PART I.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE
CROWN IN AN ESTABLISHED CAPACITY.*A.—On Retirement under the Statutory Conditions
of Retirement.*

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of that calculation, the following provisions shall have effect, that is to say:—

- (a) His years of service shall be reckoned as if he had served up to the end of the transitional period, or to the time when he would have reached the age of sixty-five, whichever may be the earlier, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859;

22 Vict.,
c. 26.

- (b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

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B.— On retirement with the permission of the Civil Service Committee for Northern Ireland^[2] under this Schedule or on being removed from office or required to retire by the Government of Northern Ireland before attaining the age of sixty-five years for any cause other than misconduct or incapacity.

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, and not less than an allowance calculated in accordance with the following provisions, that is to say:—

An annual allowance calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1914, if he retired on the ground of ill-health, save that, for the purposes of such calculation, the following provisions shall have effect, that is to say:—

- (a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance;
- (b) Where the officer retires or is removed during the transitional period, his years of service shall be reckoned, and the amount of his salary shall be computed, in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned:

Provided that—

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- (i) Where an officer at the time of leaving the service has attained the age of twenty-eight years but has not attained the age of thirty-three years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and, where an officer at the time of leaving the service has not attained the age of twenty-eight years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age of sixty-five.

C.—Officers to whom the Superannuation Act, 1909, applies.

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act, shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected. 9 Edw. 7,
c. 10.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A. and B of this Part of these Rules shall have

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effect subject to the following modifications, that is to say:—

- (a) The annual allowance or gratuity awarded under head A and the minimum annual allowance awarded under head B shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded shall not in any case exceed one-half of the salary on which the allowance is calculated;
- (b) In addition to the annual allowance or gratuity, there shall be awarded to the officer an additional allowance—
 - (i) in the case of an officer falling under head B, not less than; and
 - (ii) in the case of an officer falling under head A, equal to—

an allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act.

RULES—PART II.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE
CROWN WHO ARE NOT SERVING IN AN
ESTABLISHED CAPACITY.

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee for Northern Ireland^[2] think just, having regard to the following considerations, that is to say:—

- (a) The conditions on which the officer was appointed;
- (b) The nature and duration of his employment;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;
- (d) The circumstances in which he is leaving the service;
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I of these Rules had applied to him;
- (f) Any offer made to him of another office or employment under the Government of Northern Ireland or the Government of the United Kingdom;
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and
- (h) Any other circumstances affecting his case.

2. The compensation shall in no case be greater than the compensation which might under Part I of these Rules have been awarded to the officer on

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leaving the service in similar circumstances if that Part of these Rules had applied to him.

[1] "existing Irish officer." For provisions defining these officers see ss. 58 and 74 of the Act of 1920 above.

[2] "the Civil Service Committee for Northern Ireland." For the constitution of this Committee see s. 56 of the Act of 1920 above, and 13 Geo. 5, sess. 2, c. 2, 1 Sched. 7, in Chapter II below.

[3] "the appointed day." As to this day, see S. R. & O. 1921, No. 1696, set out in note [1] to s. 73 above. Art. 2 of that Order enabled the Governor of Northern Ireland to determine any question as to which of the appointed days is applicable to any particular service, or to any particular officer or class of officers. The last transfer under the 1920 Act took place on 1st March, 1922 (health insurance), and seven years from that date expired on 28th February, 1929. The appointed day in relation to the transfer of "Council of Ireland services" was fixed by s. 1 (2) of 15 & 16 Geo. 5, c. 77, as 1st April, 1926. For that enactment see Chapter IV below.

[4] "regulations." The Civil Service Committee (as constituted prior to the enactment of 13 Geo. 5, sess. 2, c. 2, 1 Sched. 7) made regulations as to notice of intention to retire, and these were published in the Belfast Gazette of 16th June, 1922.

[5] "the Council of Ireland." See note [3] above.

[Ninth Schedule repealed by 17 & 18 Geo. 5, c. 42 (S.L.R.).]^[1]

[1] The Ninth Schedule made provision as to compensation to members of the Royal Irish Constabulary and Dublin Metropolitan Police. As to the R.I.C., see now 12 & 13 Geo. 5, c. 55, set out in Chapter II below.

CHAPTER II

THE IRISH FREE STATE (AGREEMENT) ACT, 1922.

THE first statute set out in this chapter gave the force of law to the "Articles of Agreement for a Treaty between Great Britain and Ireland," dated the 6th December, 1921. It operated, together with subsequent effectuating legislation, so as to set up a Dominion Parliament and Government for the Irish Free State, and to continue the application of the Government of Ireland Act, 1920, as respects Northern Ireland. The place of the Agreement Act in the development of the Northern Ireland Constitution has been examined in Part I of this work, at pp. 40, 41, 57, and 58.

12 & 13 GEO. 5, CH. 4.

An Act to give the force of Law to certain Articles of Agreement for a Treaty between Great Britain and Ireland, and to enable effect to be given thereto, and for other purposes incidental thereto or consequential thereon. [31st March, 1922.]

1.—(1) The Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Schedule to this Act shall have the force of law^[1] as from the date of the passing of this Act. **Sect. 1**

Provisions for giving the force of law to and carrying into effect Irish Agreement.

(2) For the purpose of giving effect to Article 17 of the said Agreement, Orders in Council^[2] may be made transferring to the Provisional Government established

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under that Article the powers and machinery therein referred to, and as soon as may be and not later than four months after the passing of this Act the Parliament of Southern Ireland shall be dissolved and such steps shall be taken as may be necessary for holding, in accordance with the law now in force with respect to the franchise number of members and method of election and holding of elections to that Parliament, an election of members for the constituencies which would have been entitled to elect members to that Parliament, and the members so elected shall constitute the House of the Parliament to which the Provisional Government shall be responsible, and that Parliament shall, as respects matters within the jurisdiction of the Provisional Government, have power to make laws in like manner as the Parliament of the Irish Free State when constituted. Any Order in Council under this section may contain such incidental, consequential, or supplemental provisions as may appear to be necessary or proper for the purpose of giving effect to the foregoing provisions of this section.

(3) Any Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it, praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken thereunder; and any Order in Council made under this Act shall, subject to the foregoing provisions of this sub-section, be of the same effect as if enacted in this Act, but may be revoked or amended by a subsequent Order in Council:

Provided that Orders in Council under this Act shall not be deemed to be Statutory Rules within the meaning of section one of the Rules Publication Act, 1893.

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56 & 57 Vict.,
c. 66.

(4) No writ shall be issued after the passing of this Act for the election of a member to serve in the Commons House of Parliament for a constituency in Ireland other than a constituency in Northern Ireland.

(5)^[1] This Act shall not be deemed to be the Act of Parliament for the ratification of the said Articles of Agreement as from the passing whereof the month mentioned in Article 11 of the said Articles is to run.

[1] "the force of law." The Articles were not "ratified" for the purposes of the time limit upon the "Northern Ireland month"—see sub-section (5).

[2] "Orders in Council." See S. R. & O. 1922, No. 315—the Provisional Government (Transfer of Functions) Order, 1922. As to the effect of this Order, see *A. G. v. Great Southern and Western Rly. Co. of Ireland*, [1925] A.C. 754.

[3] The "month" mentioned in this sub-section was subsequently made to run as from 5th December, 1922—see s. 5 of 13 Geo. 5, sess. 2, c. 1. Apart from these provisions it would have been arguable that 12 & 13 Geo. 5, c. 4, was the Act "for the ratification of this instrument" under Article 11 of the Schedule below.

2. This Act may be cited as the Irish Free State (Agreement) Act, 1922. Short title.

SCHEDULE.

ARTICLES OF AGREEMENT FOR A TREATY BETWEEN Section 1.

GREAT BRITAIN AND IRELAND, DATED THE SIXTH
DAY OF DECEMBER, NINETEEN HUNDRED AND
TWENTY-ONE.

1. Ireland^[1] shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth

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of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

[¹] "Ireland." With the presentation of an address to His Majesty under Article 12, this term ceased to include Northern Ireland. If Articles 14 and 15 had been acted upon, the term would have become applicable to the arrangements to be made thereunder.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada, and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:—

I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability^[1] for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counterclaim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

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[1] Release from this liability was effected by Article 2 of the Amending Agreement of 3rd December, 1925, confirmed by 15 & 16 Geo. 5, c. 77 (see Chapter IV, p. 234 below).

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this article shall be reviewed at a conference of representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:—

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

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(b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those afforded by the Act of 1920 to judges, officials, members of police forces, and other public servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof :

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary^[1] during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

[1] "the Royal Irish Constabulary." The Act providing for the disbandment of this force is set out in this chapter, p. 182 below.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument,^[1] the powers of the Parliament and the Government of the Irish Free State shall not

exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland, remain of full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

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Art. 12**

[1] As to this "month," see note on s. 1 (5) of the confirming Act above. The continuance of Northern Ireland under the Government of Ireland Act, 1920, derived its authority from this Article from 31st March, 1922, until 8th December, 1922, when an address was presented under Article 12.

12. If before the expiration of the said month, an address^[1] is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland),^[2] shall, so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications:^[3]

Provided that if such an address is so presented a Commission consisting of three persons,^[4] one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine, in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland

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Art. 12

and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

[1] "an address." This was passed on 7th December, 1922, and presented to the Lord Lieutenant and to His Majesty on the following day. The proceedings are set out in detail in a footnote at pp. 58 and 59 in Part I of this work.

[2] "the Council of Ireland." See note on Article 13 below.

[3] The expression "Ireland" in Article I must be construed as exclusive of Northern Ireland.

[4] "a Commission consisting of three persons." This Boundary Commission was constituted in October, 1924, after the conclusion of a Supplemental Agreement and further legislation, as set out in this chapter, p. 175 below, but its report was not issued. A short account of the events which took place between December, 1922, and December, 1925, will be found at pp. 61-64 in Part I of this work. Leading up to the Supplemental Agreement, a Reference was made to the Judicial Committee of the Privy Council, under the Judicial Committee Act, 1833, as to the meaning of Article 12. The report in this case possesses sufficient historical and legal interest to justify its being set out here in full.

As approved by Order in Council of the 31st July, 1924.

IN THE MATTER OF THE REFERENCE AS TO THE TRIBUNAL
UNDER ARTICLE 12 OF THE SCHEDULE APPENDED TO
THE IRISH FREE STATE AGREEMENT ACT, 1922.

By an Order in Council of date 25th June, 1924, Your Majesty was pleased to refer to this Committee the following questions:—

1. Whether, in the absence of a Commissioner appointed by the Government of Northern Ireland, a Commission within the meaning of Article 12 of the Treaty will have been constituted, or can be competent to determine the boundary under that Article?

2. Whether, if the answer to the first question is in the negative, it is competent for the Crown, acting on the advice of Ministers of the United Kingdom, to instruct the Governor of Northern Ireland, in default of advice from His Ministers, to make an appointment, and for the Governor of Northern Ireland to act upon that instruction; and whether, if the Governor of Northern Ireland makes an appointment in pursuance of that instruction, the Commission will be duly constituted? **Sched. Art. 12**
3. Whether, if the answer to the preceding questions is in the negative, it is competent for the Crown, acting on the advice of Ministers of the United Kingdom, to make the appointment; and whether, if the Crown so appoints, the Commission will be duly constituted?
4. If the answer to all the preceding questions is in the negative, whether there is any constitutional method of bringing the Commission into existence so long as the Ministers of Northern Ireland maintain their refusal?

By another Order of date 25th July, 1924, the following supplementary question was referred:—

5. If a Commission is duly constituted composed of (a) two persons or (b) three persons, whether in case (a) in the event of disagreement the Chairman will have a casting vote and in case (b) in the event of disagreement the vote of a majority will prevail?

The Lords of the Committee thought it right to afford an opportunity to the representatives of the Irish Free State and of Northern Ireland, respectively, to put forward any considerations which, in their opinion, ought to have weight in arriving at the answers to the above questions. The representatives of Northern Ireland appeared before their Lordships by Counsel; the representatives of the Irish Free State intimated that they did not desire to be heard. Your Majesty's Attorney-General for England intimated a desire to be heard, which was acceded to. Their Lordships had submitted to them the correspondence which had taken place between the Government of the Free State

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and Northern Ireland and the Colonial Office and the Prime Minister of Great Britain.

Their Lordships having taken into consideration the questions submitted, beg to report as follows:—

It appears to their Lordships that the question which really underlies and provides the key to the first four questions is what is meant in Article 12 of the Schedule appended to the Act of Parliament entitled "The Irish Free State Agreement Act, 1922," 12 Geo. 5, ch. 4, by the expression "the Government of the Free State, the Government of Northern Ireland, and the British Government," by whom respectively the appointments are to be made.

Their Lordships have no hesitation in holding that the expression is to be taken in its natural and ordinary meaning, namely, the respective Executive Governments responsible to their respective Parliaments. In the case of the Free State, that is the Parliament which is being created by the Act. In the case of Northern Ireland, it is the Parliament created by the Government of Ireland Act, 1920. In the case of the British Government, it is the Imperial Parliament. In the cases of the Free State and of Northern Ireland the determination of the Government would be constitutionally expressed through the mouth of the Governor as advised by his Ministers. The expression so construed has not only its natural and everyday meaning, but it is so used again and again in the Government of Ireland Act, 1920, which Act it is the purpose of the Act of 1922 to alter and amend.

Keeping this cardinal point in view, their Lordships humbly submit the following categorical answers to the questions put:—

Question 1.

Their Lordships think it right to point out that the words "in the absence of a Commissioner appointed by the Government of Northern Ireland" are susceptible of a double meaning. They might mean that no Commissioner had been appointed. They might mean that a Commissioner had been appointed, but had absented himself from all deliberation. It is clear to their Lordships, from the terms of the second question, that the meaning is the first of those mentioned. The answer to the question is in the

negative. The tribunal designated by Article 12 is a statutory tribunal brought into existence by the terms of the Article. It is no existing body. Any tribunal, therefore, which did not exactly correspond to the words used in Section 12 would not be the tribunal which, under the Act of Parliament, had alone power to determine the questions for which that tribunal was created. **Sched. Art. 12**

Question 2.

The answer to this question is also in the negative. The reasons have been given in the preliminary observations submitted. The appointment is not committed to the Governor, who only acts in this matter as the mouthpiece of his Ministers responsible to Parliament. Their Lordships consider that the Governor of the Irish Free State expressed himself with perfect correctness when, in his dispatch of 19th July, 1923, he intimated that, pursuant to Article 12, "my Ministers have nominated" a certain gentleman as the representative of the Irish Free State to act on the Boundary Commission.

Question 3.

This also is answered in the negative. The same considerations as dictated the answer to question 2 apply here. In addition, their Lordships consider that any view of a remanent prerogative in His Majesty to make such an appointment cannot be entertained. In the first place, it is not a question of settling boundaries, but of supplying a *casus improvisus* in an Act of Parliament, a procedure to which the prerogative could not be held to extend. But, further, even supposing it could be looked on as a question of boundary, their Lordships consider that the case of *Attorney-General v. De Keyser's Royal Hotel, Ltd.*, [1920] A.C. 511, settled that once any matter which includes something which might fall within the prerogative is dealt with in an Act of Parliament to which His Majesty has necessarily assented, all within the ambit of the matter so dealt with can only be dealt with in the future as the Act of Parliament directs, and cannot be affected by an exercise of the prerogative outside the provisions of the Act.

Question 4.

There is in their Lordships' opinion under the above hypothesis no constitutional method under the existing statute law.

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The Supplemental Question.

In view of the answers already given, it is apparent that this question cannot apply to any existing state of affairs. Categorically, however, their Lordships answer thus:—

- (a) If there were a Commission of two there would be no casting vote appertaining to a Chairman as such, unless power to that effect had been specifically given in the constituting instrument.
- (b) If three Commissioners had once been appointed, then, although in private arbitrations unanimity is necessary, it is otherwise when the matter to be determined is of public concern. This was settled so long ago as 1798, in the case of *Grindley v. Barker*, 1. Bos. & Pul, p. 229,* where Chief Justice Eyre says: "I think it is now pretty well established that where a number of persons are entrusted with powers not of mere private confidence, but in some respects of a general nature, and all of them are already assembled, the majority would conclude the minority and their act will be the act of the whole." This case was followed by Lord Chancellor Cairns, Lord Selborne and several other members of the Judicial Committee in the matter of an arbitration between the province of Ontario and the province of Quebec, where the matter was referred by His Majesty to the Judicial Committee.

The case is reported in 4 Cartwright's Cases on the British North America Act, p. 712. The case had to do with Section 142 of the British North America Act, where a certain matter was to be referred to the arbitrament of three arbitrators, one appointed by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada. One of the arbitrators had retired. Lord Selborne says: "the view which prevails that unanimity is necessary when power is given to three persons does not depend on anything peculiar to arbitrations, it surely would be a general view subject to control either by something expressed in the instrument or by

* English Reports, 126, p. 875 (which reads "*regularly* assembled, the majority *will*" for the words in line 5 of above quotation)

something to be collected from the nature of the power and the duty to be performed under it." And then he puts the question, "Is not one reason for the distinction that in the public interest it is necessary that the thing should be decided?"; and their Lordships' answers were given in accordance with this view. These authorities seem to their Lordships conclusive. They have no doubt that this is a matter of public interest and not a matter of merely private concern between the parties concerned, and they therefore answer that though in accordance with their answer to question 1 if no appointment is made the Commission cannot go on, yet, if once the three appointments had been made, a majority would rule:

All of which is humbly reported to Your Majesty by Your humble and obedient Servants.

(Signed) DUNEDIN.

BLANESBURGH.

LAWRENCE JENKINS.

LYMAN P. DUFF.

ADRIAN KNOX.

The Supplemental Agreement of 1924.

The statute set out below was introduced immediately after the Judicial Committee had reported, and the Boundary Commission was constituted accordingly.

14 & 15 GEO. 5, CH. 41.

An Act to confirm a certain Agreement supplementing Article Twelve of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922.

[9th October, 1924.]

1. The agreement set forth in the Schedule to this Act, being an agreement supplementing Article Twelve of the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922, is hereby confirmed, and the said Articles of Agree-

Sched.
Art. 12

Confirma-
tion of
Agreement.

12 Geo. 5,
c. 4.

**Sched.
Art. 12**Short title
and com-
mencement.

ment for a Treaty and the Irish Free State (Agreement) Act, 1922, shall have effect accordingly.

2.—(1) This Act may be cited as the Irish Free State (Confirmation of Agreement) Act, 1924.

(2) This Act shall come into operation on the date on which the said agreement is confirmed by Act of the Parliament of the Irish Free State, or, if such an Act is passed before the passing of this Act, shall come into operation on the passing of this Act.

SCHEDULE.

AGREEMENT SUPPLEMENTING ARTICLE TWELVE OF THE ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND TO WHICH THE FORCE OF LAW WAS GIVEN BY THE IRISH FREE STATE (AGREEMENT) ACT, 1922, AND BY THE CONSTITUTION OF THE IRISH FREE STATE (SAORSTÁT EIREANN) ACT, 1922.

WHEREAS the Commissioners to be appointed under the said Article Twelve by the Government of the Irish Free State and by the British Government respectively have been duly appointed by those respective Governments, but the Government of Northern Ireland has declined to appoint the Commissioner to be so appointed by that Government, and no provision is made by the said Articles for such a contingency :

Now it is hereby agreed, subject to the confirmation of this agreement by the British Parliament and the Oireachtas of the Irish Free State, that if the Government of Northern Ireland does not before the date of the passing of the Act of the British Parliament or of the Act of the Oireachtas of the Irish Free State confirming this agreement, whichever is the later date, appoint the Commissioner to be so appointed by that Government, the power of the Government of Northern Ireland to appoint such Commissioner shall thereupon be transferred to and exercised by the British Government, and that for the purposes of the said Article any Commissioner so appointed by the British Government shall be deemed to be a Commissioner appointed by the Government of Northern Ireland, and

that the said Articles of Agreement for a Treaty shall have effect accordingly. **Sched.
Art. 14**

Signed on behalf of the
British Government:

Signed on behalf of the
Government of the
Irish Free State:

J. RAMSAY MACDONALD. LIAM T. MACCOSAIR.

4th August, 1924.

13.^[1] For the purpose of the last foregoing Article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

[¹] This Article, taken with the words in Article 12—"including those [provisions] relating to the Council of Ireland"—would, if it had come into operation, have preserved the Council and the Irish Free State representation thereon, whilst depriving the Council of any powers in that State. A short account of the events which led up to the abandonment of this proposal will be found at pp. 59-61 in Part I of this work. For the later legislation in detail, see Chapter IV, p. 231 below.

14.^[1] After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have, in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland), the same powers as in the rest of Ireland subject to such other provisions as may be agreed in manner hereinafter appearing.

Sched.
Art. 14

[¹] As an address was presented under Article 12, the provisions of this Article never came into operation. For the provisions originally enacted by the Act of 1920, with respect to Irish union, see Appendix B below.

15.^[1] At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented, and those provisions may include:—

- (a) Safeguards with regard to patronage in Northern Ireland.
- (b) Safeguards with regard to the collection of revenue in Northern Ireland.
- (c) Safeguards with regard to import and export duties affecting the trade or industries of Northern Ireland.
- (d) Safeguards for minorities in Northern Ireland.
- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State.
- (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively.

And if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

[¹] As an address was presented under Article 12, the provisions of this Article never came into operation.

16.^[1] Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make

any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

[¹] See note on s. 5 (1) of the Government of Ireland Act, 1920, p. 13 above.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to

Sched.
Art. 18.

**Sched.
Art. 18**

sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

(Signed)

On behalf of the British
Delegation,

D. LLOYD GEORGE.

AUSTEN CHAMBERLAIN.

BIRKENHEAD.

WINSTON S. CHURCHILL.

L. WORTHINGTON-EVANS.

HAMAR GREENWOOD.

GORDON HEWART.

On behalf of the Irish
Delegation,

ART Ó GRIOBHATHA

(ARTHUR GRIFFITH).

MICHÁL Ó COILEAIN.

RIOBÁRD BARTUN.

E. S. Ó DUGAIN.

SEORSA GHABHÁIN Uí

DHUBHTHAIGH.

6th December, 1921.

ANNEX.

1. The following are the specific facilities required:—

DOCKYARD PORT AT BEREHAVEN.

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

QUEENSTOWN.

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

BELFAST LOUGH.

(c) Harbour defences to remain in charge of British care and maintenance parties.

LOUGH SWILLY.

(d) Harbour defences to remain in charge of British care and maintenance parties.

AVIATION.

(e) Facilities in the neighbourhood of the above ports for coastal defence by air.

OIL FUEL STORAGE.

Sched.
Annex.

- | | | |
|-------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------|
| (f) Haulbowline . | { | To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes. |
| Rathmullen . | | |

2. A convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

- (a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland:
- (b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government:
- (c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A convention shall be made between the same Governments for the regulation of Civil Communication by Air.

D. L. G.

M. Ó. C.

A. C.

B.

W. S. C.

Sect. 1

The Constabulary (Ireland) Act, 1922.

The Act which follows was passed by the Parliament of the United Kingdom in the interval between the ratification of the Treaty (31st March, 1922) and the establishment of the Irish Free State Constitution (5th December, 1922). As respects Northern Ireland, it necessitated the making of provision for a local police force.

12 & 13 GEO. 5, CH. 55.

An Act to make provision for the disbandment of the Royal Irish Constabulary and with respect to magistrates appointed under the Acts relating to that Force, and for the validation of things done or omitted in the execution or purported execution of those Acts, and for other purposes incidental thereto. [4th August, 1922.]

Disband-
ment of the
Royal Irish
Constabu-
lary.

1.—(1) The Royal Irish Constabulary^[1] shall be disbanded on such day,^[2] not being later than the thirty-first day of August, nineteen hundred and twenty-two, as may be fixed by the Lord Lieutenant, and on or before that date every officer and constable of that force shall retire from the force as and when required by the Lord Lieutenant, and shall, on his retirement, be entitled to receive such compensation^[3] as may be awarded to him by the Treasury in accordance with the rules contained in Part I of the Schedule to this Act and, in the event of his dying after a compensation allowance has been awarded to him, the Treasury shall grant a pension or gratuities to his widow and children in accordance with the said rules:

Provided that, in awarding any such compensation; allowance, pension or gratuity, no deduction shall be made by reason of the fact that any compensation has been awarded to the officer or constable in respect of injuries sustained in the discharge of his duties.

(2) The provisions contained in Part II of the Schedule to this Act shall apply as respects compensation allowances awarded in pursuance of this section in like manner as they apply as respects pensions under the Royal Irish Constabulary Pensions Order, 1922,^[4] with the substitution of references to a Secretary of State for references to the Inspector-General. Sect. 1

(3) If any officer or constable to whom a compensation allowance has been awarded in pursuance of this section takes service in any police force to which this sub-section applies, the allowance may be suspended in whole or in part so long as he remains in such force. This sub-section applies to any police force^[5] the expenses of which are defrayed in whole or in part out of moneys provided by Parliament or by any Parliament in Ireland, or out of funds assisted by the Exchequer or by any Exchequer in Ireland.

(4) Sections eight and ten of the Police Pensions Act, 1921,^[6] shall not apply to the service in the Royal Irish Constabulary of any officer or constable to whom a compensation allowance has been awarded in pursuance of this section, or to his prior service in any other police force so far as the same has, for the purposes of the award, been reckoned as service in the Royal Irish Constabulary,^[7] but, if any such officer or constable takes service in any police force and on his ultimate retirement therefrom is awarded a pension, then, if the amount of the compensation allowance when added to the amount of his pension exceeds the higher of the two following sums,— 11 & 12
Geo. 5, c. 31.

(a) two-thirds of the salary on which his compensation allowance was calculated; or

(b) two-thirds of the salary of which he was in receipt at the time of his ultimate retirement;
or should those sums be equal, exceeds either of those

Sect. 1

sums, his compensation allowance may be suspended to the extent of the excess:

Provided that, where the officer or constable on his ultimate retirement is awarded a lump sum instead of or in addition to a pension, the annual amount which would represent that sum, if converted into a life annuity, shall be determined by the Treasury, and the amount so determined shall, for the purpose of the foregoing provision, be deemed to be or to form part of his pension.

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any officer or constable to whom a compensation allowance is awarded in pursuance of this section in like manner as if he had retired from the permanent civil service of the Crown on the abolition of his office, and any terminable annuity payable to the National Debt Commissioners in respect of the commutation of a compensation allowance shall be paid out of the same funds as the allowance:

Provided that, in such cases and on such terms as the Treasury may by regulation prescribe, the Treasury may, on the application of any such officer or constable, commute a portion of the compensation allowance so awarded to him as aforesaid for an annuity for a term of two years but ceasing on his death if he dies within that term, and in such case the following provisions shall have effect:—

- (a) the capital sum representing the portion of the compensation allowance to be commuted shall be ascertained in accordance with the tables and the rule for determining age for the time being in force under the Pensions Commutation Acts, 1871 to 1882;
- (b) the capital sum so ascertained shall be applied by the National Debt Commissioners in pro-

viding an annuity for such term as aforesaid, and the National Debt Commissioners shall have power to grant such an annuity; **Sect. 1**

(c) in calculating the amount of the annuity, the same rate of interest shall be assumed as is assumed in calculating such capital sum as aforesaid;

(d) subject as aforesaid, the annuity shall be calculated in such manner and in accordance with such tables, and shall be payable in such manner and at such times as the Treasury may by regulations prescribe;

(e) sums payable or paid on account of any such annuities as aforesaid shall, for the purposes of sections six and eight of the Pensions Commutation Act, 1871, be treated as amounts awarded as commutations of pensions under that Act as applied by this sub-section.

34 & 35 Vict.,
c. 36.

(6) Section nine of the Constabulary and Police (Ireland) Act, 1883 (which relates to the punishment of persons obtaining pensions, etc., by fraud), shall apply in the case of compensation allowances, commutation annuities, pensions, and gratuities awarded or payable in pursuance of this section in like manner as it applies in the case of pensions and gratuities under that Act.

46 & 47 Vict.,
c. 14.

(7) Where, for the purpose of expediting the disbandment of the Royal Irish Constabulary, any member of that force has, since the twenty-fifth day of January, nineteen hundred and twenty-two, and before the passing of this Act, been discharged with compensation, his discharge and the grant of compensation to him shall be as valid and effectual as if they had been expressly authorised by this Act, and the compensation shall be treated as compensation payable under this

Sect. 1

Act, and the provisions of this Act with respect to a compensation allowance awarded in pursuance of this section shall apply to any annual allowance so granted.

(8) All compensation payable to officers and constables of the Royal Irish Constabulary under this Act (including any compensation which is to be treated as so payable), and any pensions and gratuities granted to widows and children of such officers and constables in pursuance of this Act shall be paid out of moneys provided by Parliament.

(9)^[8] The powers of the Lord Lieutenant or Inspector-General with respect to pensions, allowances, or gratuities of members of the Royal Irish Constabulary, their widows, children, or dependents, under the Acts or Orders relating to that force may, after the day fixed for the disbandment of the said force, be exercised by a Secretary of State with the approval of the Treasury.

10 & 11
Geo. 5, c. 67.

(10) For the purposes of section fifty-seven of the Government of Ireland Act, 1920,^[9] so far as it relates to pensions of officers and constables of the Royal Irish Constabulary payable at the date of transfer, the day fixed for the disbandment of the Royal Irish Constabulary shall, so far as respects Northern Ireland, be treated as the date of transfer.

[1] "The Royal Irish Constabulary." The force was established by the Lord Lieutenant under the statute 6 & 7 Will. 4, c. 13 (in the Chief Secretaryship of Sir Robert Peel, 1836), with the style of "The Constabulary of Ireland." In 1867 the title of "Royal Irish Constabulary" was conferred by Her Majesty the Queen, in recognition of loyal and faithful services performed during many years.

[2] "disbanded on such day . . ." The day of disbandment was fixed as 31st August, 1922 (see Belfast Gazette, No. 59, 25th August, 1922). On 31st May, 1922, the Constabulary Act, 12 & 13 Geo. 5, c. 8, received the

Royal Assent in the Parliament of Northern Ireland, **Sect. 1** and established a police force called (with His Majesty's consent) "The Royal Ulster Constabulary." S. 5 of that Act empowered the chief officers of the new force, during a period of three months from the appointed day, to "authorise any fit person, having been an officer or constable of the Royal Irish Constabulary, and having retired from the latter force in pursuance of [the disbanding Act]," to act, without formal appointment, as an officer or constable of the new force, having corresponding rank and functions. For the N.I. Act, see Chapter VI below.

[3] "compensation." As to conditions, and amount which may be awarded, see *Egan and others v. Attorney-General*, [1929] L.R. 2 Ch. 244; [1930] 1 Ch. 238; [1931] A.C. 113.

[4] "the Royal Irish Constabulary Pensions Order, 1922." See S. R. & O. 1922, No. 945, p. 112. This order was made on 16th March, 1922, by the Lord Lieutenant, under s. 4 of the Constabulary and Police (Ireland) Act, 1919, with the concurrence of the Treasury, and after submission of a draft to certain bodies representative of the force, as required by the section. Article 7 of the order provided that the pensions, allowances, and gratuities payable thereunder were to be awarded by the Inspector-General of the R.I.C. This sub-section substitutes the Secretary of State for the Inspector-General in Articles 15 and 16 of the order, which are set out in Part II of the Schedule to this Act.

[5] "any police force." This suspending provision applies to persons taking service in the Royal Ulster Constabulary.

[6] "the Police Pensions Act, 1921." S. 8 of this Act enables the approved service of a member of one police force to be reckoned for pension purposes as service in another police force to which such member has removed, and in which he is serving at the time of death or retirement; the section applies where the previous service was "service in a police force in Ireland." S. 10 of the Act deals with service both in a police capacity and as a civil servant, etc. The general provisions of the Act do not apply to Northern Ireland.

[7] "reckoned as service in the Royal Irish Constabulary." This was enabled to be done by Article 10 of the Pensions Order, S. R. & O. 1922, No. 945.

Sect. 2

[⁸] This sub-section effects a substitution similar to that referred to in sub-section (2) above.

[⁹] S. 57 of the Act of 1920 charged these pensions upon the Consolidated Fund of the United Kingdom, making the Northern Ireland part of them deductible from the Northern Ireland residuary share of reserved taxes. The section referred to pensions "payable at the date of transfer," because s. 9 (1) of the Act contemplated the transfer of the R.I.C. to the two Irish Governments within three years after the appointed day. When disbandment took the place of transfer, the date of the former event had to be substituted for the date of the latter.

Compensation payable under the Act of 1922 falls on moneys provided by the United Kingdom Parliament.

For other financial provisions see notes on s. 57 (1) of the Act of 1920, p. 96 above.

Transfer of
public
services in
connection
with
Resident
Magistrates.

2. [¹¹] On the day fixed for the disbandment of the Royal Irish Constabulary the public services in connection with magistrates appointed under the Acts relating to that force shall, as respects Northern Ireland, be transferred from the Government of the United Kingdom to the Government of Northern Ireland, and the provisions of the Government of Ireland Act, 1920, in their application to Northern Ireland, shall have effect accordingly in like manner as if the said day had been duly determined by His Majesty in Council under section nine of the said Act to be the date for the purpose aforesaid.

[¹] S. 9 of the Government of Ireland Act included the public services in connection with Resident Magistrates, along with the R.I.C. and the management and control of that force, as reserved matters until transferred to the two Irish Governments on such date—within three years of the appointed day—as His Majesty in Council might determine. These magistrates were formerly, and are still in Northern Ireland, appointed under s. 31 of the Constabulary (Ireland) Act, 1836 (6 & 7 Will. 4, c. 13).

The effect of this section of the Act of 1922 was to transfer to the Government of Northern Ireland the

Resident Magistrates actually serving in Northern Ireland areas of jurisdiction. Any Southern Ireland magistrates appointed to Northern Ireland were new appointments made, outside this section, under the Act of 1836. **Sched.**

3. Anything done or omitted after the first day of January, nineteen hundred and nineteen, in relation to the appointment or distribution of officers or constables of the Royal Irish Constabulary, including the appointment or purported appointment of officers or constables in excess of the numbers authorised to be appointed by the Acts relating to that force, or otherwise in the execution or purported execution of those Acts, shall be deemed to have been lawfully done or omitted if the act or omission was authorised by the Lord Lieutenant or Chief Secretary or is certified by a Secretary of State to have been necessary or expedient with a view to the restoration or maintenance of order in Ireland. Validation of things done or omitted in the execution of the Acts relating to the Royal Irish Constabulary.

4. This Act may be cited as the Constabulary (Ireland) Act, 1922. Short title.

SCHEDULE.

Section 1.

PART I.

RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him, and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect:—

Sched.

- (a) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years;
- (b) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and in the case of a district inspector of the third class, as if he were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and in the case of a district inspector of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class;
- (c) If the number of his completed years of service, as reckoned under this rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number; and
- (d) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service :

Provided that in the case of the surgeon of the Royal Irish Constabulary his compensation allowance may, should he so desire, be calculated in like manner as the pension which he would have been entitled to receive on retirement under the existing enactments applicable to him if the years to be added as aforesaid were

added to his years of age instead of to his completed years of actual service. **Sched.**

3. The allowance awarded to an officer or constable shall in no case exceed two-thirds of the salary on which the allowance is calculated.

4. In the event of an officer or constable dying after an annual allowance has been awarded to him under this Act, the Treasury shall grant a pension or gratuities to the widow and children of the officer or constable in like manner as if the allowance were a pension granted to the officer or constable on retirement, and as if his years of service had been the years on which the allowance was calculated.

5. In these rules the expression "existing enactments" means enactments in force at the time of the passing of this Act, and includes any orders made under those enactments and in force at that time.

PART II.

ASSIGNMENT OF PENSIONS AND REGULATIONS AS TO PAYMENT OF PENSIONS, ETC.

15. The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this Article referred to as a grant) payable under this Order or under the Interim Order to any person (in this Article referred to as the pensioner):—

- (1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:
- (2) Where any sum is due from the pensioner to

Sched.

the Inspector-General^[1] or to the Crown, the Inspector-General may deduct the amount of any such sum from the grant:

- (3) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the Inspector-General so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Inspector-General to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased pensioner, to or among such persons as the Inspector-General may think fit, and the Inspector-General, and any officer of the Inspector-General making the payment, shall be discharged from all liability in respect of any such payment or distribution:
- (4) Every grant which is a pension or allowance (other than a pension or allowance payable to an officer of higher rank than a county inspector or to the widow or children of such officer) shall be paid, after the first instalment, in advance, except in the case of a refusal to quit police quarters or premises owned or rented by or on behalf of the Inspector-General or to give up any equipment or to make any payment due to the Inspector-General; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death.

FORFEITURE OF PENSION OR ALLOWANCE.

Sched.

16.—(1) A pension or allowance under this Order is granted only upon condition that it becomes forfeited and may be withdrawn by the Inspector-General, with the consent of the Treasury, in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months; or
- (b) knowingly associates with thieves or reputed thieves; or
- (c) refuses to give to the police all information and assistance in the power of the grantee, for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace; or
- (d) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector-General considers to be discreditable or improper; or
- (e) supplies to any person or publishes in a manner which the Inspector-General considers to be discreditable or improper any information which the grantee may have obtained in the course of employment in the force; or
- (f) solicits or, without the consent of the Inspector-General, accepts, directly or indirectly, any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force; or
- (g) enters into or continues in any business, occupation, or employment as a private detective,

Sched.

after being prohibited to do so by the Inspector-General on any reasonable grounds.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Inspector-General with the consent of the Treasury may determine.

[¹] "the Inspector-General." See s. 1 (2) and (9) of this Act above.

The Irish Free State Constitution Act, 1922.

This Act provides for the Constitution of the Irish Free State by enacting (s. 1) the Constitution set forth in the First Schedule to a Measure passed by "the House of the Parliament constituted pursuant to the Irish Free State (Agreement) Act, 1922, sitting as a Constituent Assembly for the settlement of the Constitution" (that is to say, an assembly consisting of members elected for the constituencies which would have been entitled to elect members to the House of Commons of Southern Ireland).

13 GEO. 5, SESSION 2, CH. 1.

(The Act is not relevant to this work, except s. 5, which is here set out.)

Short title
and effect.

5. [¹] This Act may be cited as the Irish Free State Constitution Act, 1922 (Session 2), and shall be deemed to be the Act of Parliament for the ratification of the said Articles of Agreement as from the passing whereof the month mentioned in Article eleven of the said Articles is to run.

[¹] This section had a bearing upon the Constitution of Northern Ireland, because it declared the date (5th December, 1922) as from which the "Northern Ireland month" was to run. See notes to 12 & 13 Geo. 5, c. 4, s. 1 (5), and Schedule, Art. 11.

CHAPTER III

THE IRISH FREE STATE (CONSEQUENTIAL PROVISIONS) ACT, 1922.

THE "Consequential Provisions Act" of 1922 became law on the same day as the Act providing for the Irish Free State Constitution. Its main object, as respects Northern Ireland, was to make such constitutional changes as were involved in the abrogation of those provisions of the Act of 1920 which related to Southern Ireland and the union, under that Act, of Southern and Northern Ireland. The enactments relating to the Council of Ireland were postponed in their operation, and the Treaty provision for a Commission to determine the boundary between North and South was left untouched. For later legislation upon these heads, see Chapter IV below. For the general sequence of events, see pp. 57-65 in Part I of this work.

13 GEO. 5, SESSION 2, CH. 2.

An Act to make such provisions as are consequential on or incidental to the establishment of the Irish Free State. [5th December, 1922.]

1.—(1) Subject to the provisions of the First Schedule to this Act, the Government of Ireland Act, 1920, shall cease to apply to any part of Ireland other than Northern Ireland, and in the event of such an address^[1] as is mentioned in Article 12 of the Articles of Agreement for a Treaty between Great Britain and Ireland set forth in the Schedule to the Irish Free

Sect. 1
Modification of Government of Ireland Act, 1920.
10 & 11 Geo. 5, c. 67.
12 Geo. 5, c. 4.

Sect. 1

State (Agreement) Act, 1922, being presented to His Majesty by both Houses of the Parliament of Northern Ireland within the time mentioned in that Article, the Government of Ireland Act, 1920, and the other enactments mentioned in the First Schedule to this Act, shall, as from the date of the presentation of such address, have effect subject to the modifications set out in that Schedule.

(2) Until the said address is presented^[2] or the expiration of the month mentioned in the said Article 12, whichever may be the earlier, the present Lord Lieutenant shall continue to exercise the functions of Lord Lieutenant as respects Northern Ireland.

[1] "in the event of such an address . . ." The address was presented to H.M. on 8th December, 1922, and that event set the First Schedule to the Act, and other enactments thereof, in motion.

[2] "Until the said address is presented." The Lord Lieutenant of Ireland went out of office on 8th December, 1922, and the appointment of a Governor of Northern Ireland by virtue of the First Schedule to this Act was first made on the following day.

Provisions
as to judges,
etc.

2. The provisions set out in the Second Schedule^[1] to this Act shall have effect with respect to the retirement and abolition of office of existing Irish judges, Lord Chancellor of Ireland and Irish Land Commissioners, and any pensions and allowances payable thereunder shall be charged on and be payable out of the Consolidated Fund or the growing produce thereof.

[1] "the Second Schedule." See notes on p. 229 below.

Establish-
ment of a
Trust for the
provision of
cottages,
etc., for ex-
service men
in Ireland.

3.—(1) For the purpose of providing in Ireland cottages, with or without plots or gardens, for the accommodation of men who served in any of His Majesty's naval, military, or air forces in the late war,

and for other purposes incidental thereto, a body shall be established consisting of five members, of whom three shall be appointed by a Secretary of State, one by the President of the Executive Council of the Irish Free State, and one by the Prime Minister of Northern Ireland. **Sect. 3**

(2) The body so established shall be a body corporate by the name of the Irish Sailors and Soldiers Land Trust,^[1] with perpetual succession and a common seal, and is in this section referred to as "the Trust."

(3) For the purposes aforesaid, the Trust shall have all the powers which are conferred upon the Local Government Board for Ireland by section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919,^[2] including power to carry out the schemes made under that section by that Board prior to the passing of this Act, and such powers of management, sale, disposal and otherwise as may be conferred on them by regulations made by the Treasury, and all property, assets, rights and liabilities held, enjoyed or borne by the Local Government Board for Ireland in connection with any schemes so made by them shall be transferred to the Trust:

9 & 10
Geo. 5, c. 82.

Provided that the provisions of the said section relating to the compulsory acquisition of land, limiting the time within which the power to acquire land may be exercised by the Board, and regulating the expenses and receipts and audit of accounts of the Board shall not apply to the Trust.

(4) There shall be paid to the Trust out of moneys provided by Parliament, at such times and in such instalments as the Treasury may direct, a sum not exceeding one million five hundred thousand pounds,^[3] and the sum so received and all other receipts of the

Sect. 3

Trust shall be applied by the Trust to the purposes for which the Trust is created.

(5) The Treasury may make regulations^[4] as to the procedure of the Trust and as to the application of the proceeds of sale, and as to the audit of the accounts of the Trust, and generally as to the manner in which the Trust shall carry out their powers and duties, and the Trust shall act in accordance with those regulations.

(6) The term of office of a member of the Trust shall be such as may be determined by the authority by whom he is appointed, but the Trust may act notwithstanding any vacancy in their number.

(7) This section shall not come into operation until the Treasury certify^[5] that such legislation has been passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland as is necessary to enable the Trust to acquire and to hold land, to vest in the Trust any land and other property which is under this section to be transferred to the Trust, and otherwise to enable the Trust to carry out the purposes of this section.

[1] "the Irish Sailors and Soldiers Land Trust." The first trustees under this section were appointed on 31st December, 1923.

[2] "section four of the Irish Land (Provision for Sailors and Soldiers) Act, 1919." That section of the Act of 1919, subject to the omissions required by the proviso to sub-section (3) above, is as follows:—

Provision of
cottages,
etc., for ex-
service men
under the
Labourers
(Ireland)
Acts.

4.—(1) The Local Government Board shall have power to make and carry out schemes for the provision of cottages with or without plots or gardens for the accommodation of men who have served as aforesaid, and who satisfy the Board as to their fitness and suitability.

(2) A scheme under this section shall specify the

land which the Board propose to acquire for the purposes of the scheme . . . by agreement . . . , and notice of the scheme and of the time (not being less than twenty-one days) within which objections to the scheme must be sent to the Board shall be given in the prescribed manner to the owners or reputed owners, lessees or reputed lessees, and occupiers of the land. **Sect. 3**

(3) On the expiration of the time limited for sending objections the Board, after considering any objections that may have been duly sent to them, may make an order confirming the scheme with or without modifications, or may reject the scheme.

(4) For the purpose of carrying out any scheme when so confirmed, the Local Government Board, in addition to their other powers, shall have and may exercise all the powers except powers of borrowing or causing a rate to be levied that may be exercised by a rural district council under the Labourers (Ireland) Acts, 1883 to 1919, for the purpose of carrying out an improvement scheme when confirmed by a final order under section six of the Labourers (Ireland) Act, 1906, including powers of acquiring land by agreement . . . , and, subject to such adaptations as may be made under this section, those Acts and the Acts incorporated therein shall apply accordingly, with the following modifications, namely:—

(a) an order of the Board confirming a scheme under this section shall have the like effect as if the scheme were an improvement scheme and the order were an order made and confirmed under section six of the Labourers (Ireland) Act, 1906;

(b) two statute acres shall be substituted for one statute acre as the maximum area of the plot or garden that may be provided;

(5) Any cottage, plot, or garden provided under this section which ceases to be required for the accommodation of any such man as aforesaid may be let or otherwise disposed of in such manner as the Board may, with the approval of the Treasury, determine.

(6) The Local Government Board may make orders

Sect. 3

adapting the provisions of the Labourers (Ireland) Acts, 1883 to 1919, and any enactments incorporated therewith, in such manner as may appear to them to be necessary or expedient in order to give full effect to the provisions of this section.

Section 8 of the above Act of 1919 provides that the Act, "so far as it relates to the provision of cottages, plots, or gardens under the Labourers (Ireland) Acts, 1883 to 1919, shall be construed as one with the last-mentioned Acts." The Local Government Board was the Irish Board—see 46 & 47 Vict., c. 60, s. 21.

[³] "one million five hundred thousand pounds." By s. 4 of 17 & 18 Geo. 5, c. 10, and s. 1 of 20 & 21 Geo. 5, c. 4, the Parliament of Northern Ireland made provision for the payment out of the Consolidated Fund of N.I. to the Trust of additional sums, not exceeding in all £35,000, in respect of houses constructed in Northern Ireland by the Trust. This grant enabled the number of cottages originally contemplated for ex-service men in Northern Ireland to be substantially exceeded.

[⁴] "The Treasury may make regulations." See S. R. & O. 1925, No. 303; 1929, No. 52; 1930, No. 363. These regulations provide, amongst other things, that the Chairman and Secretary of the Trust shall be appointed by the Secretary of State (for the Home Department); that the Trust shall report to the Secretary of State and the Treasury; that the headquarters of the Trust shall be in London; and that the Trust may, with the approval of the Secretary of State and the Treasury, make arrangements with any Ministers of the Government of Northern Ireland whereby such Ministers shall act as agents of the Trust for the making and carrying out of schemes in Northern Ireland. The Minister of Finance acts under such an arrangement.

[⁵] "until the Treasury certify." By S. R. & O. 1923, No. 1606, the Treasury certified on 31st December, 1923, that the necessary legislation had been passed by both Irish Parliaments. The Northern Ireland statute is 13 & 14 Geo. 5, c. 19. It declared that the Trust should have and might exercise all the powers necessary to enable it to carry out, as respects Northern Ireland, the purposes of the section to which this note refers, except the power of

compulsory acquisition of land; and it conferred the last-mentioned power upon the Ministry of Home Affairs. A later enactment, s. 2 (1) of 15 & 16 Geo. 5, c. 3, substituted the Ministry of Finance for the Ministry of Home Affairs as the department having power to acquire land compulsorily for the purposes of the Trust in Northern Ireland. **Sect. 4**

The Trust reports from time to time upon the business transacted by it. The first report was made in the year 1927, and covered the period from 1st January, 1924, to 31st March, 1926. The later reports are annual, and are printed and published by H.M. Stationery Office, London.

4.—(1) In the event of such an address^[1] as is mentioned in Article 12 of the said Articles of Agreement being presented to His Majesty within the time mentioned in that Article, it shall be lawful for the Commissioners of Customs and Excise to make regulations^[2] with reference to the importation and exportation of any goods into and from Northern Ireland otherwise than by sea or in aircraft, for the purpose of safeguarding the revenue and preventing and regulating the importation and exportation of prohibited and restricted goods, and by such regulations to apply to such importation and exportation any of the provisions of the Customs Acts subject to such modifications as may be necessary to adapt them to importation and exportation of goods by land, and in particular the regulations may—

Application
of Customs
Acts to land
frontier.

- (a) prohibit the importation and exportation of all goods or any classes of goods except by such routes within Northern Ireland, and during such hours, as may be prescribed;
- (b) prescribe the places where, and the form and manner in which, entry of goods imported or exported shall be made and duty on goods imported shall be paid.

Sect. 4

(2) If any person contravenes or fails to comply with any such regulation, he shall be guilty of an offence under the Customs Acts and shall for every such offence, in addition to any other penalty to which he may be liable, incur a fine not exceeding one hundred pounds, and the goods in respect of which the offence is committed shall be forfeited.

[¹] "such an address." See note on s. 1 (1) of this Act above.

[²] "regulations." See S. R. & O. 1923, Nos. 342 and 1088; 1924, No. 681.

Provision as to relief from double taxation.

5.—(1) If His Majesty in Council is pleased to declare—

- (a) that under the law in force in the Irish Free State any tax is payable in respect of a subject of charge in respect of which a corresponding tax is payable also in Great Britain; and
- (b) that arrangements as specified in the declaration have been made with the Government of the Irish Free State with a view to the granting of relief in cases where there is a charge both to the British tax and to the Irish tax in respect of the same subject matter;

then, unless and until the declaration is revoked by His Majesty in Council, the arrangements specified therein shall, so far as they relate to the relief to be granted from the British tax, have effect as if enacted in this Act, but only if and so long as the arrangements, so far as they relate to the relief to be granted from the Irish tax, have the effect of law in the Irish Free State.

(2) Any declaration made by His Majesty in Council under this section shall be laid before the Commons House of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty

by that House within twenty-one days on which that House has sat next after the declaration is laid before it praying that the declaration may be revoked, His Majesty in Council may revoke the declaration, and the arrangements specified in the declaration shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new declaration.

(3) The obligation as to secrecy imposed by any enactment with regard to any tax to which any declaration made by His Majesty in Council under this section relates shall not prevent the disclosure to any authorised officer of the Government of the Irish Free State of such facts as may be necessary to enable relief to be duly given in accordance with the arrangements specified in the declaration.

(4) In the event of such an address^[1] as is mentioned in Article 12 of the said Articles of Agreement being presented to His Majesty by both Houses of the Parliament of Northern Ireland within the time mentioned in that Article, this section shall—

^[2](a) in relation to any tax which is a reserved tax within the meaning of the Government of Ireland Act, 1920, have effect as if Great Britain included Northern Ireland; and

^[3](b) in relation to any tax which is not such a reserved tax as aforesaid, apply to Northern Ireland in like manner as it applies to Great Britain, but, if and so far as a declaration made under this section relates to any such tax, the declaration shall not extend to Northern Ireland without the consent of the Government of Northern Ireland.

[1] "such an address." See note on s. 1 (1) of this Act above. The presentation of the address set this sub-section

Sect. 5

in motion, and the Declaration of H.M. in Council applies to Northern Ireland accordingly. It was made on 29th March, 1923 (see S. R. & O. 1923, No. 406), and the operative part is as follows:—

His Majesty is pleased, by and with the advice of His Privy Council, to declare, and it is hereby declared, that under the laws in force in the Irish Free State, Income Tax, Super-tax, Estate Duty and Stamp Duties are payable in respect of subjects of charge in respect of which corresponding taxes are payable also in Great Britain; and that the arrangements specified in Parts I, II, and III of the Schedule to this declaration have been made with the Government of the Irish Free State with a view to the granting of relief in cases where there is a charge both to the British tax and to the Irish tax in respect of the same subject matter, and that this declaration may hereafter be referred to as “The Relief in respect of Double Taxation [Irish Free State] Declaration, 1923.”

Schedule.

ARRANGEMENTS FOR RELIEF IN RESPECT OF
DOUBLE TAXATION.

PART I.

Income Tax (including Super-tax).

(a) Relief shall be allowed from British Income Tax in accordance with and under the provisions of section twenty-seven of the Finance Act, 1920, subject to the proviso that for the purpose of determining the Dominion rate of tax the first paragraph of sub-section (8) (d) of that section shall not apply, but the rates of Irish Free State Income Tax and Super-tax respectively shall be ascertained in the same manner as the rates of British Income Tax and Super-tax respectively are required to be ascertained by the second paragraph of sub-section (8) (d) of that section.

(b) The Irish Free State Government shall grant relief from Irish Free State Income Tax at the lower of the two rates following, viz.:—

(i) the rate of relief from British Income Tax allowable

under section twenty-seven of the Finance Act, **Sect. 5** 1920, as modified by this arrangement; and

- (ii) the excess of the Irish Free State rate of Income Tax (or, where Irish Free State Super-tax is payable, the excess of the sum of the rates of Irish Free State Income Tax and Super-tax) over the rate of relief from British Income Tax allowable as aforesaid.

(c) This arrangement applies to Income Tax (including Super-tax) for the year of assessment commencing on the sixth day of April, nineteen hundred and twenty-three, and subsequent years.

PART II.

Estate Duty.

(a) Where the Commissioners of Inland Revenue are satisfied that Estate Duty is payable in the Irish Free State by reason of a death of a person dying on or after the first day of April, nineteen hundred and twenty-three, in respect of any property situate in the Irish Free State and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the Estate Duty payable in Great Britain in respect of that property on the same death.

(b) Where the Revenue Commissioners of the Irish Free State are satisfied that Estate Duty is payable in Great Britain by reason of a death of a person dying on or after the said first day of April, in respect of any property situate in Great Britain and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the Estate Duty payable in the Irish Free State in respect of that property on the same death.

(c) Any question as to whether any property is to be treated for the purposes of this arrangement as situated in Great Britain or in the Irish Free State shall be determined according to the laws in force in England and Ireland on the sixth day of December, nineteen hundred and twenty-two.

(d) This arrangement shall apply as between Northern Ireland and the Irish Free State in like manner as it applies as between Great Britain and the Irish Free State until the Government of Northern Ireland signify that they have withdrawn their consent to such application.

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PART III.

Stamp Duties.

(a) Where on or after the first day of April, nineteen hundred and twenty-three, an instrument is chargeable with Stamp Duty in Great Britain and in the Irish Free State, and has been stamped in one of those countries, the instrument shall, to the extent of the duty it bears, be deemed to be stamped in the other country: .

Provided that, if the Stamp Duty chargeable on any instrument in such other country exceeds the Stamp Duty chargeable in respect of that instrument in the country in which the instrument has previously been stamped, the instrument shall not be deemed to have been duly stamped in such other country unless and until stamped in accordance with the laws of that country with a stamp denoting an amount equal to such excess.

(b) Where composition for Stamp Duty is made or agreed to be made in one of such countries, any instrument which by virtue of the composition is exempt from the payment of duty in that country shall, on and after the said first day of April, be treated in the other country as having been stamped in the first-mentioned country with a stamp denoting the amount of duty which, but for the composition, would have been chargeable on that instrument.

(c) This arrangement shall apply, as between Northern Ireland and the Irish Free State, in like manner as it applies as between Great Britain and the Irish Free State until the Government of Northern Ireland signify that they have withdrawn their consent to such application.

[²] The declaration and Part I of the "Arrangements for Relief" relate to Income Tax (including Super-tax), which is a reserved tax.

[³] The declaration and Parts II and III of the "Arrangements for Relief" relate to Estate Duty and Stamp Duties, which are "transferred" taxes. The consent of the Government of Northern Ireland, as required by this paragraph, was given, and is recited in the preliminary part of the Declaration. In Northern Ireland the arrangements became operative as from 29th March, 1923, by virtue

of an Act of the N.I. Parliament (13 & 14 Geo. 5, c. 14 [N.I.]). With regard to stamp duty as between Northern Ireland and the Irish Free State, see decision of Court of Appeal on 28th October, 1932, in *Estate of C. G. Macartney* [1933] L.R. (N.I.) 1; 66 I.L.T.R., 189. **Sect. 6**

A further declaration giving relief in respect of double taxation to Succession Duty, or to Succession Duty and Legacy Duty (which are "transferred" taxes), was made as between Great Britain and the Irish Free State by S. R. & O. 1926, No. 975. The later declaration does not apply in Northern Ireland, but similar relief obtains as between Great Britain and Northern Ireland by virtue of parallel enactments (17 & 18 Geo. 5, c. 10, s. 52, and 17 & 18 Geo. 5, c. 11 (N.I.), s. 6). Under the Northern Ireland enactment, taken with Act No. 18 of 1927, s. 1, such relief is also given as between Northern Ireland and the Irish Free State. See also page 59 above.

6.—(1) His Majesty may, by Order in Council,—

(a) make such adaptations of any enactments so far as they relate to any of His Majesty's Dominions other than the Irish Free State as may appear to him necessary or proper as a consequence of the establishment of the Irish Free State;^[1]

Power to adapt enactments, etc.

(b) make such provision as may appear to him necessary or proper for effecting the severance of the system of national health insurance in Great Britain from that in the Irish Free State, and for giving effect to any arrangements which may be made with the Irish Free State for that purpose, and for requiring such transfers of funds of societies and branches whose principal office is situate in Great Britain as may be necessary to give effect to any apportionments made in pursuance of the Order, and as to the application and disposal of the funds so transferred, and for extending to Northern Ireland and

Sect. 6

to societies and branches whose principal office is situate in Northern Ireland the like provisions as are made by any such Order in respect to Great Britain and societies and branches whose principal office is situate in Great Britain; ^[2]

(c) give effect to any reciprocal arrangements which may be made with the Irish Free State with respect to unemployment insurance; ^[3]

(d) make such provision with respect to the management of the National Debt and Government Securities and Annuities (including India Stock) as may be necessary to secure that the management thereof shall not, except to such extent as may be authorised by the Order, be transacted within the Irish Free State; or to enable the business of the Bank of Ireland in relation thereto to be partly transacted at an office of the Bank in Northern Ireland, and in the latter case to apply in respect of any securities or annuities inscribed or registered in the books and registers kept at such office the provisions applicable in respect of securities and annuities inscribed or registered in the books and registers kept at the Bank of England or the Bank of Ireland; ^[4]

and any such Order in Council may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order, and any such Order shall, subject to revocation or alteration by a subsequent Order, have effect as if enacted in this Act.

(2) Any Order in Council made under this section

shall be laid before both Houses of Parliament as soon as may be after it is made, and if an address is presented to His Majesty by either of those Houses within twenty-one days on which that House has sat next after any such Order is laid before it praying that the Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of anything which in the meantime may have been done thereunder.

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(3) Section one of the Rules Publication Act, 1893, shall not apply to any Order in Council made under this section.^[5]

56 & 57
Vict., c. 66.

[1] Two Orders of a general nature are set out hereunder. As to these, see *R. v. Secretary of State for Home Affairs. Ex parte O'Brien* [1923] 2 K.B., 361. See also S. R. & O. 1923, No. 453, set out in Chapter VIII below.

S. R. & O. 1923, No. 405, made
27th March, 1923.

1. This Order may be cited as the Irish Free State (Consequential Adaptation of Enactments) Order, 1923.

2. Subject to the provisions of this Order and of any subsequent Order in Council made under section six of the Irish Free State (Consequential Provisions) Act, 1922, references in any enactment passed before the establishment of the Irish Free State to "the United Kingdom" or "the United Kingdom of Great Britain and Ireland," or "Great Britain and Ireland" or "Great Britain or Ireland," or "the British Islands" or "Ireland," shall, in the application of the enactment to any part of Great Britain and Ireland other than the Irish Free State, be construed as exclusive of the Irish Free State, except that in the Acts mentioned in the Schedule to this Order any such expression as aforesaid shall, to the extent specified in that Schedule, be construed as including the Irish Free State: .

Provided that nothing in this Article shall—

(a) apply to any enactment so as to affect the liability to, or the assessment or collection of, any tax

Sect. 6

or duty the liability whereto, or the assessment or collection whereof, is regulated by section two of the Irish Free State Constitution Act, 1922, or to sections ninety-four and ninety-five of the Probates and Letters of Administration (Ireland) Act, 1857, and sections thirteen and fourteen of the Confirmation of Executors (Scotland) Act, 1858, as respectively modified by the Government of Ireland (Re-sealing, etc., of Probates) Order, 1922, in relation to cases where death duties payable on the death of the person to whom representation is granted are regulated by the said section two; or

- (b) apply to any enactment regulating the administration of any public service, the transfer of the administration whereof to the Government of the Irish Free State is, by virtue of Article seventy-nine of the Constitution of the Irish Free State, deferred, so as to affect the administration of that service prior to the transfer; or
- (c) apply to any enactment designed for the enforcement of any international convention which is binding on the Irish Free State so as to prejudice the powers of fulfilling the obligations imposed by the convention.

3. Subject as aforesaid, references to "the United Kingdom" or "the United Kingdom of Great Britain and Ireland," or "Great Britain and Ireland" or "Great Britain or Ireland," or "the British Islands" or "Ireland," in any enactment passed before the establishment of the Irish Free State which applies to parts of His Majesty's Dominions outside the United Kingdom, or outside the British Islands, as the case may be, shall, in the application of the enactment to any such part, be construed as references both—

- (a) to Great Britain and Ireland or the British Islands exclusive of the Irish Free State, or, as the case may be, to Ireland exclusive of the Irish Free State; and
- (b) to the Irish Free State.

Provided that where by any such enactment the Isle of Man and the Channel Islands are to be deemed for the

purposes of the enactment to form part of the United Kingdom, they shall not for the purposes of this Article be deemed to be parts of His Majesty's Dominions outside the United Kingdom. Sect. 6

4.—(1) Subject to the provisions of section two of the Irish Free State Constitution Act, 1922, the Irish Free State shall, in relation to any part of Great Britain or Northern Ireland, be deemed to be parts beyond the seas for customs purposes and for the purposes of sub-section (1) of section six of the Post Office Act, 1908.

(2) Subject as aforesaid, a ship trading between any port in any part of the British Islands other than the Irish Free State and a port in the Irish Free State shall be deemed to be employed in coasting trade for the purposes of sections four hundred and thirty-seven and four hundred and thirty-eight of the Merchant Shipping Act, 1894, and for the purposes of any enactment relating to rates, tolls, dues and other charges leviable by a port, dock or harbour authority in Great Britain or Northern Ireland.

5.—(1) Sub-section (2) of section thirty-nine of the Larceny Act, 1916, shall be construed as authorising the indictment, trial, and punishment in any part of Great Britain and Ireland other than the Irish Free State of a person who steals or otherwise feloniously takes any property in the Irish Free State if he has the property so stolen in his possession in such part of Great Britain and Ireland as aforesaid, as if he had actually stolen or taken it in that part.

(2) Sub-section (3) of section thirty-nine of the Larceny Act, 1916, shall be construed as authorising a person who receives in any part of Great Britain and Ireland other than the Irish Free State any property stolen or otherwise feloniously taken in the Irish Free State to be dealt with, indicted, tried and punished in the part of Great Britain and Ireland where he so receives the property in the same manner as if it had been originally stolen or taken in that part.

6. A railway or canal company in Ireland whose system is situate partly in Northern Ireland and partly in the Irish Free State shall not be deemed to be a railway or canal company in Northern Ireland for the purposes of

Sect. 6

paragraph (g) or paragraph (h) of section one of the Trustee Act, 1893, as adapted by this Order.

7. Sub-section (4) of section two hundred and fifty-four of the Merchant Shipping Act, 1894, shall have effect as if for references to the Registrar-General of Births and Deaths in Ireland there were substituted references to the officer who performs the duties of registrar of births and deaths in the Irish Free State and Northern Ireland respectively.

8.—(1) The provisions of any enactments which are applicable to—

- (a) the endorsement and execution in England, Scotland, the Channel Islands, or the Isle of Man of warrants issued by justices, courts or judges of courts in Ireland;
- (b) the service in England or Scotland of writs of subpœna of superior courts in Ireland and the punishment in England or Scotland of persons disobeying the same;
- (c) the enforcement in England or Scotland of the attendance of witnesses before persons appointed for the examination of witnesses in England or Scotland by a commission, order, or other process of courts in Ireland;
- (d) the operation in England of inquisitions taken or writs of supersedeas issued in proceedings in lunacy in Ireland, or the management and administration of property in England or Scotland of a person found lunatic by inquisition in Ireland, or of property in England of a person of unsound mind in Ireland;

shall apply respectively to—

- (i) warrants issued by justices, courts or judges of courts in the Irish Free State;
- (ii) writs of subpœna of superior courts in the Irish Free State;
- (iii) commissions, orders, or other processes of courts in the Irish Free State;
- (iv) inquisitions taken and writs of supersedeas issued in proceedings in lunacy in the Irish Free State, and property of a person found lunatic by inquisition in the Irish Free State;

sition in the Irish Free State, or a person of unsound mind in the Irish Free State; **Sect. 6**

and such warrants, writs of subpœna, commissions, orders and other processes, and inquisitions and writs of super-sedeas shall in Northern Ireland have the like effect and shall be dealt with in like manner and with the like consequences as if they had originated in England.

(2) For the purposes of the Fugitive Offenders Acts, 1881 and 1915, in their application to any part of His Majesty's Dominions outside the British Islands, the Irish Free State and the British Islands exclusive of the Irish Free State shall be treated as if they were separate parts of His Majesty's Dominions.

9. The Old Age Pensions Act, 1911, in its application to Great Britain and Northern Ireland, shall have effect as if in the proviso to sub-section (2) of section three the following paragraph was inserted after paragraph (e):—

(f) any periods spent in any part of Ireland before the establishment of the Irish Free State.

10. Section twenty of the Superannuation Act, 1834, shall, in its application to any person who at the date of the establishment of the Irish Free State was in receipt of any such superannuation allowance or compensation as is mentioned in that section, have effect as if the expression "any office in any public department" included an office in a public department of the Irish Free State.

11. Where any Act applies to, or may be applied to, any part of His Majesty's Dominions outside the United Kingdom or the British Islands as the case may be, nothing in this Order shall be construed as applying the Act or making the Act applicable to the Irish Free State as such a part of His Majesty's Dominions as aforesaid unless and until provision is made for the purpose by the Parliament of the Irish Free State in pursuance of the powers conferred by section three of the Irish Free State Constitution Act, 1922:

Provided that the Irish Free State shall, for the purposes of the enactments relating to the Post Office, be deemed to be a British Possession the legislature whereof has made provision for the establishment, maintenance and regulation of posts within the possession.

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12. Subject to the provisions of section two of the Irish Free State Constitution Act, 1922, spirits and plate manufactured in the Irish Free State shall not be deemed to be British spirits and British wrought plate respectively within the meaning of the Customs Acts in the application of those Acts to Great Britain and Northern Ireland.

13. Nothing in this Order shall affect the construction to be placed on any expression if and so far as the provision in which the expression occurs has reference either expressly or by necessary implication to a state of affairs existing before the establishment of the Irish Free State.

14. Nothing in this Order shall affect any rates, tolls, dues, or other charges leviable under any Act of Parliament by any port, dock, or harbour authority in Great Britain or Northern Ireland in respect of any traffic going to or coming from any place in the Irish Free State, nor shall the establishment of the Irish Free State be deemed to have affected any such charges.

15.—(1) Nothing in this Order shall affect the construction of any expression in the Land Purchase Acts so as to prevent the provision of funds required for the purpose of completing transactions in relation to land in the Irish Free State which are pending under those Acts on the thirty-first day of March, nineteen hundred and twenty-three.

(2) The powers of the Lord Lieutenant under section thirty-seven of the Irish Land Act, 1903, shall be exercisable by the Secretary of State, and shall include power with the approval of the Treasury to make regulations for the purpose of determining the persons entitled to draw upon the Land Purchase Fund after the thirty-first day of March, nineteen hundred and twenty-three, in respect of such transactions as aforesaid, and the manner in which such drafts may be made.

16. Nothing in this Order shall affect the construction, in its application to the Irish Free State, of any Act which by virtue of Article seventy-three of the Irish Free State Constitution is to continue in force within the Irish Free State.

17. This Order, so far as it relates to Northern Ireland **Sect. 6** and as the matters contained therein are matters with respect to which the Parliament of Northern Ireland has power to make laws, shall be subject to alteration or revocation by Acts passed by that Parliament.

Schedule.

Session and Chapter.	Short Title.	Section.
5 & 6 Vict., c. 82.	The Stamp Duties (Ireland) Act, 1842.	Section thirty-eight.
23 & 24 Vict., c. 136.	The Charitable Trusts Act, 1860.	Sections three, six, and fourteen.
24 & 25 Vict., c. 94.	The Accessories and Abettors Act, 1861.	Section nine.
24 & 25 Vict., c. 96.	The Larceny Act, 1861 ...	Section one hundred and fifteen.
24 & 25 Vict., c. 97.	The Malicious Damages Act, 1861.	Section seventy-two.
24 & 25 Vict., c. 98.	The Forgery Act, 1861 ...	Section fifty.
24 & 25 Vict., c. 100.	The Offences against the Person Act, 1861.	Section sixty-eight.
27 & 28 Vict., c. 25.	The Naval Prize Act, 1864	Section thirty-eight.
27 & 28 Vict., c. 47.	The Penal Servitude Act, 1864.	Schedule A.
28 & 29 Vict., c. 125.	The Dockyard Port Regulation Act, 1865.	Section two.
29 & 30 Vict., c. 39.	The Exchequer and Audit Departments Act, 1866.	Section twelve.
29 & 30 Vict., c. 109.	The Naval Discipline Act, 1866.	Section forty-six, where the expression "United Kingdom of Great Britain and Ireland" occurs therein.
31 & 32 Vict., c. 110.	The Telegraph Act, 1868 ...	Sections nine (6) (g), eleven, and twelve.
32 & 33 Vict., c. 73.	The Telegraph Act, 1869 ...	Section five, so far as it relates to the transmission of messages to any part of Ireland. Section twelve, where the expression "United Kingdom of Great Britain and Ireland" occurs therein.
34 & 35 Vict., c. 105.	The Petroleum Act, 1871...	Section six.

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Session and Chapter.	Short Title.	Section.
34 & 35 Vict., c. 112.	The Prevention of Crime Act, 1871.	Section eighteen, where the expression "United Kingdom" first occurs therein.
36 & 37 Vict., c. 44.	The Government Annuities Act, 1873.	Section two.
36 & 37 Vict., c. 77.	The Naval Artillery Volunteer Act, 1873.	Section sixteen.
45 & 46 Vict., c. 74.	The Post Office (Parcels) Act, 1882.	Section thirteen.
46 & 47 Vict., c. 3.	The Explosive Substances Act, 1883.	Section three.
46 & 47 Vict., c. 4.	The National Gallery (Loan) Act, 1883.	Section five.
52 & 53 Vict., c. 63.	The Interpretation Act, 1889.	The definition of British Islands in section eighteen, so far as that section applies to the interpretation of any Act passed after the establishment of the Irish Free State.
57 & 58 Vict., c. 57.	The Diseases of Animals Act, 1894.	Section fifty-nine, pending the coming into operation of the Importation of Animals Act, 1922 (Sess. 2).
57 & 58 Vict., c. 60.	The Merchant Shipping Act, 1894.	Section three. Section one hundred and thirteen, where the expression United Kingdom first occurs therein, section one hundred and twenty-five (1), section two hundred (2), section two hundred and sixty-three, section four hundred and eighty-six (1), where the expression United Kingdom secondly occurs therein, section five hundred and forty-six, section five hundred and fifty-five, section five hundred and fifty-six, section five hundred and fifty-eight. Section seven hundred and forty-two, so far as it defines foreign-going ship and home-trade ship.
61 & 62 Vict., c. 44.	The Merchant Shipping (Mercantile Marine Fund) Act, 1898.	Second Schedule, rules 4 and 5.

Session and Chapter.	Short Title.	Section.
6 Edw. 7, c. 48	The Merchant Shipping Act, 1906.	Section ten (1) and section seventy-seven (1), where the expression United Kingdom secondly occurs in each of those sub-sections.
6 Edw. 7, c. 58	The Workmens Compensation Act, 1906.	First Schedule, paragraph (6) and paragraph (18).
2 & 3 Geo. 5, c. 31.	Pilotage Act, 1913 ...	Section eleven (5).
3 & 4 Geo. 5, c. 7.	The Children (Employment Abroad) Act, 1913.	Section one, section two (1), section three (1), and section three (2), where the expression United Kingdom first, secondly, and thirdly occurs in that sub-section.
4 & 5 Geo. 5, c. 59.	The Bankruptcy Act, 1914	Section one hundred and twenty-two.
5 & 6 Geo. 5, c. 1.	The Anglo-Portuguese Commercial Treaty Act, 1914.	Section one.
6 & 7 Geo. 5, c. 39.	The Anglo-Portuguese Commercial Treaty Act, 1916.	The proviso to section one (1).
10 & 11 Geo. 5, c. 31.	The Restoration of Order in Ireland Act, 1920.	Section one (1) and (4).
10 & 11 Geo. 5, c. 43.	The Firearms Act, 1920 ...	Section nine.
10 & 11 Geo. 5, c. 36.	The Pensions (Increase) Act, 1920.	Section two (1).
12 & 13 Geo. 5, c. 6.	The Army and Air Force (Annual) Act, 1922.	Section two.

S. R. & O. 1923, No. 461, made
21st April, 1923.

Whereas in the Schedule to the Irish Free State (Consequential Adaptation of Enactments) Order, 1923 (being an Order in Council made under section six of the Irish Free State (Consequential Provisions) Act, 1922, and hereinafter referred to as the "principal Order"), the Restoration of Order in Ireland Act, 1920, section one (1) and (4), is mentioned amongst other enactments:

And whereas by section one of the said Restoration of Order in Ireland Act, 1920, it is provided that regulations

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made in pursuance of that Act shall have effect as if enacted in that Act:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Irish Free State (Consequential Adaptation of Enactments) Supplemental Order, 1923, and shall be read as one with the principal Order.

2. The reference to the Restoration of Order in Ireland Act, 1920, section one (1) and (4), in the Schedule to the principal Order shall be construed as extending to and shall include the regulations made in pursuance of the said Act.

[²] See note on S. R. & O. 1923, No. 106, p. 524 below.

[³] See S. R. & O. 1924, No. 387, set out in Chapter VIII below.

[⁴] See S. R. & O. 1923, Nos. 227 and 453, set out in Chapter VIII below.

[⁵] The Act of 1893 applied to "Irish Transfer Orders" under s. 69 of the principal Act of 1920, because of the provisions of that section with respect to the laying of such Orders before Parliament. The Act of 1893 would have applied to Orders under the present section by reason of sub-section (2), if its provisions had not been negatived.

Miscellaneous
provisions.

7.—(1) It shall be lawful for any department of the British Government to make arrangements with any Minister of the Government of the Irish Free State whereunder any of the powers and duties of the Minister may be exercised and performed on his behalf by officers of that department, or whereunder any of the powers and duties of that department may be exercised and performed on behalf of that department by officers of the Minister, on such terms and conditions as may be agreed:

Provided that no such arrangement shall diminish in any respect the responsibility of the department by which the arrangement is made.

(2) The Treasury may, if arrangements for the purpose are made with the Irish Free State or Northern Ireland,^[1] declare the revenue of the Irish Free State or the revenue of Northern Ireland (as the case may be) to be a public fund for the purposes of the Superannuation Act, 1892, and rules made by the Treasury^[2] under that Act and under section seven of the Superannuation Act, 1909, may, if and so far as such arrangements so require, vary the provisions of the first-mentioned Act as to the manner in which the amounts to be paid out of different funds and accounts are to be apportioned :

Sect. 7

55 & 56
Vict., c. 40.9 Edw. 7,
c. 10.

Provided that nothing in this section shall prejudice the application of the first-mentioned Act to any office or employment in Northern Ireland to which it is applied by the Government of Ireland Act, 1920.^[3]

For the purposes of this sub-section, the revenue of the Irish Free State shall, as respects the period between the thirty-first day of March, nineteen hundred and twenty-two, and the date of the establishment of the Irish Free State, be deemed to include the revenue of the Provisional Government.

(3) In the event of a Post Office Savings Bank being established in the Irish Free State and arrangements being made with the Irish Free State for the transfer to the Post Office Savings Bank of the Irish Free State of the deposits of depositors resident in the Irish Free State, it shall be lawful for the National Debt Commissioners to transfer to such authority as may be provided by legislation of the Irish Free State such apportioned part of the assets held on behalf of the Post Office Savings Bank as may be determined by agreement between the British Government and the Government of the Irish Free State to be properly attributable to the deposits so transferred :

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Provided that nothing in or done under this sub-section shall affect the rights under the Post Office Savings Bank Acts of any depositor in the Post Office Savings Bank without the consent of the depositor.

[1] "arrangements . . . made with . . . Northern Ireland." The revenue of Northern Ireland was declared to be a public fund within the meaning and for the purposes of the Act of 1892 on 1st May, 1923 (see S. R. & O. 1923, No. 531, p. 783). The arrangements received the force of law by virtue of the following enactment of the N.I. Parliament (13 & 14 Geo. 5, c. 28, s. 1):—

The arrangements made with the Government of Northern Ireland under sub-section (2) of section seven of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), pursuant to which the Treasury have declared the revenue of Northern Ireland to be a public fund for the purposes of the Superannuation Act, 1892, shall have the force of law in Northern Ireland; and for the purpose of giving effect to those arrangements—

- (a) the amounts apportioned by the Treasury, or determined by the Joint Exchequer Board, to be paid out of the revenue of Northern Ireland shall be paid out of moneys provided by Parliament;
- (b) paragraphs (b) and (d) of sub-section (1) of section two of the Superannuation Act, 1921, are hereby repealed.

For application of the Superannuation Acts to the Civil Service of Northern Ireland, see p. 293 below.

[2] "rules made by the Treasury." The following rules were made by the Treasury on 15th June, 1923 (S. R. & O. 1923, No. 682, p. 784):—

1. Where a superannuation allowance or gratuity granted or to be granted under the Act of 1892 is to be paid partly out of the revenue of Northern Ireland and partly out of any other fund or account, if the Government of Northern Ireland are dissatisfied with the amount which the Treasury apportion to be paid out of the revenue of Northern Ireland, they may apply to the Joint Exchequer Board to determine the amount to be so paid, and that amount

may be determined by the said Board accordingly, in accordance with the Rules for the time being in force under Section 7 (1) of the Superannuation Act, 1909. **Sched. 1**

2. These Rules shall not apply to any person to whom Section 55 (2) of the Government of Ireland Act applies.

3. These Rules may be cited as the Superannuation Act, 1892 (Arrangements with Northern Ireland) Order, 1923, and shall come into operation forthwith.

[3] "the Government of Ireland Act, 1920." See s. 55 and the 8th Schedule, set out in Chapter I above.

8. This Act may be cited as the Irish Free State (Consequential Provisions) Act, 1922 (Session 2). **Short title.**

SCHEDULES.

FIRST SCHEDULE.

MODIFICATION OF THE GOVERNMENT OF IRELAND ACT, 1920, ETC.

1.—(1) There shall be a Governor of Northern Ireland, and the provisions of the Government of Ireland Act, 1920, with respect to the Lord Lieutenant^[1] shall apply to the Governor of Northern Ireland and in the Government of Ireland Act, 1920 (hereinafter referred to as the principal Act) and in any other enactment references to the Lord Lieutenant shall, in their application to Northern Ireland, be construed as references to the Governor of Northern Ireland. **Governor of Northern Ireland.**

(2) In section three of the Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832, eight thousand pounds shall be substituted for twenty thousand pounds as the salary^[2] of the Governor of Northern Ireland, and in sub-section (3) of section thirty-seven of the principal Act two thousand pounds **2 & 3 Will. 4, c. 116.**

Sched. 1

shall be substituted for five thousand pounds as the sum to be deducted towards the payment of such salary :

Provided that out of the said salary of eight thousand pounds there shall be payable the salaries and allowances of members of the personal staff of the Governor.

[¹] See ss. 8, 11, 12, 37, 44, and 45 of the Act of 1920, set out in Chapter I above.

[²] This salary is payable out of the United Kingdom Exchequer, with a deduction of £2,000 from the Northern Ireland residuary share of reserved taxes in each year. See note [²] on p. 71 above.

Privy
Council and
Great Seal
of Northern
Ireland.

2.—(1) There shall be a Privy Council of Northern Ireland, and anything which, prior to the first appointment of a Governor of Northern Ireland, might be done by, to, before, or with the advice or concurrence of the Privy Council of Ireland or any committee thereof may, as respects Northern Ireland after such appointment, be done by, to, before, or with the advice or concurrence of the Privy Council of Northern Ireland or a corresponding committee of that Council.^[1]

(2) The persons who are to be members of the Privy Council of Northern Ireland shall be from time to time chosen and summoned by the Governor of Northern Ireland and sworn in as Privy Counsellors, and the members may from time to time be removed by the Governor of Northern Ireland.^[2]

(3) In the application of the principal Act to Northern Ireland references to the Privy Council of Northern Ireland shall be substituted for references to the Privy Council of Ireland, and after the expiration of one month from the first appointment of a Governor of Northern Ireland no person shall be a minister of Northern Ireland unless he is a member of the Privy Council of Northern Ireland.^[3]

(4) There shall be a Great Seal of Northern Ireland, which shall be kept by the Governor of Northern Ireland and shall, after the first appointment of such Governor, be used for all matters in Northern Ireland for which the Great Seal of Ireland was theretofore used. Until a Great Seal of Northern Ireland is provided the private seal of the Governor of Northern Ireland may be used as that Great Seal.^[4] **Sched. 1**

[1] The functions of this Council are not confined to transferred matters. Thus, the Governor, in the Privy Council of Northern Ireland is the "rule-making authority" under s. 61 of 40 & 41 Vict., c. 57, and subsequent amending enactments.

[2] The first members of this Council were appointed and sworn-in on 12th December, 1922: "His Grace the Governor of Northern Ireland having been pleased to appoint . . . to be members of the Privy Council of Northern Ireland, they this day in Council took the usual oaths and their places on the Board accordingly."—Belfast Gazette, 15th December, 1922. The Lord Lieutenant and Privy Council of Ireland last made an Order on 5th December, 1922.

The Clerk and Deputy Clerk of the Northern Ireland Privy Council are appointed by the Governor, and on appointment make a Declaration of Office at a meeting of the Council.—See Belfast Gazette, 27th February, 1923, 13th March, 1925.

[3] The Ministers of Northern Ireland were all appointed and sworn of the new Council on 12th December, 1922.

[4] There is no mention of a "Privy Seal." Submitted, that s. 11 of 57 Geo. 3, c. 62, which related to the Privy Seal of the Irish Council, is spent rather than adaptable.

3.—(1) The constitution of the Council of Ireland shall, if identical Acts for the purpose are passed by the Parliament of the Irish Free State and the Parliament of Northern Ireland, be altered in accordance with those Acts.^[1]

Council of
Ireland.

(2) The appointed day for the transfer in relation to Northern Ireland of the powers, which by the principal Act are made powers of the Council of Ireland, shall

Sched. 1

be such day as may hereafter be fixed by Order in Council not being earlier than the day on which any such identical Acts as aforesaid come into operation or the expiration of the period of five years from the passing of this Act, whichever may first happen :

Provided that the appointed day for the purposes of so much of section ten of the principal Act as enacts that "the rates, fares, tolls, dues, and other charges directed by the Minister of Transport under the Ministry of Transport Act, 1919, and in force on the appointed day, may be charged until fresh provision shall be made by the Council of Ireland, or the Parliament of the United Kingdom, with regard to the amount of any such rates, fares, tolls, dues, and other charges" shall be the date of the passing of this Act; but until such fresh provision is made, the Railway and Canal Commission shall have the like power of modifying such charges in Northern Ireland as is by section sixty of the Railways Act, 1921, conferred on the rates tribunal as respects railways in Great Britain.^[2]

[1] This sub-section was repealed by s. 1 (2) of 15 & 16 Geo. 5, c. 77—see Chapter IV below.

[2] The powers referred to in this sub-section became powers of the Parliament and Government of Northern Ireland under 15 & 16 Geo. 5, c. 77—see Chapter IV below. Under that Act the proviso to sub-section (2) is kept alive, in effect, "until fresh provision is made by the Parliament of Northern Ireland with regard to the amount of any such rates, fares, tolls, dues and other charges."

**Financial
provisions.**

4.—(1) (a) The contribution to be made under section twenty-three of the principal Act towards the Imperial liabilities and expenditure therein referred to shall be a contribution to be made by Northern Ireland and to be called the Northern Ireland contribution, and the provisions of that section with respect

to apportionment as between Southern Ireland and Northern Ireland shall cease to have effect. **Sched. 1.**

(b) The amount of the Northern Ireland contribution in each year until the end of the second financial year after the appointed day shall be a sum calculated at the rate of seven million nine hundred and twenty thousand pounds a year, or such less sum as the Joint Exchequer Board may, in exercise of the powers conferred on them by sub-section (5) of that section, substitute therefor, and those powers may be exercised at any time whether before or after the end of the said second financial year or before or after a contribution has been made at the rate aforesaid.

(c) The Joint Exchequer Board, in determining the just proportion of Imperial liabilities and expenditure to be contributed by Northern Ireland in respect of each financial year after the end of the said second financial year, shall have regard to the relative taxable capacities of Northern Ireland on the one hand and Great Britain and Ireland on the other hand.

(2) The apportionment of the proceeds of reserved taxes to be made by the Joint Exchequer Board under section twenty-two of the principal Act shall be an apportionment as between Great Britain and Northern Ireland instead of an apportionment as between Great Britain and Ireland, and the sum determined under the said section to be the Northern Ireland share of the said proceeds shall be called the Northern Ireland share of reserved taxes; and in making such an apportionment the Joint Exchequer Board shall have regard to the effect of any arrangement made with the Irish Free State for relief from double taxation which may unduly prejudice Great Britain in relation to Northern Ireland or Northern Ireland in relation to Great Britain.

Sched. 1

(3)—(a) The sum charged upon and payable out of the Consolidated Fund of the United Kingdom under section twenty-four of the principal Act, and therein referred to as the Irish residuary share of reserved taxes, shall be paid to the Exchequer of Northern Ireland and shall be called the Northern Ireland residuary share of reserved taxes, and the provisions of that section with respect to apportionment between the Exchequers of Southern Ireland and Northern Ireland shall cease to have effect, but without prejudice to the application of the principles governing such apportionment in any cases where an apportionment may be necessary for the purpose of ascertaining the sums to be deducted or to be made good by means of deductions from the Northern Ireland share or residuary share of reserved taxes.

(b) In ascertaining the net cost to the Exchequer of the United Kingdom of reserved services, the Joint Exchequer Board shall have regard to any increase of expenditure thereon which may appear to them to be attributable to the establishment of the Irish Free State, and shall make such allowance in respect of any such increase as may appear to them to be just.

[The relevant sections of the principal Act, as amended by this provision, are set out in Chapter I above. For further details of the financial arrangements, see pp. 43–50 in Part I of this work.]

Reconstitution of Joint Exchequer Board.

5. Sub-section (1) of section thirty-two of the principal Act,^[1] relating to the constitution of the Joint Exchequer Board, shall have effect as if for the words “two members appointed by the Treasury, one member appointed by the Treasury of Southern Ireland,” there were substituted the words “one member appointed by the Treasury,” and any question which may be referred to the Board under that section may be

referred to them either by the Treasury or by the Treasury of Northern Ireland.^[2] **Sched. 1**

[1] For this sub-section see Chapter I above.

[2] "Treasury of Northern Ireland." This refers to the Ministry of Finance, by virtue of the definition in s. 74 of the principal Act.

6.—(1) The High Court of Appeal for Ireland shall cease to exist, and sections forty-two and forty-three of the principal Act and any other provisions of that Act relative to that Court of Appeal shall cease to have effect.^[1] **Abolition of High Court of Appeal and provisions consequential thereon.**

(2) In any case where under section fifty^[2] of the principal Act an appeal would have lain to the High Court of Appeal for Ireland from a decision of a court in Northern Ireland an appeal shall lie to the Court of Appeal in Northern Ireland by virtue of this section. Questions under the Crown Cases Act, 1848, which would have been reserved for the decision of the High Court of Appeal for Ireland under section forty-three of the principal Act shall, in Northern Ireland, be reserved for the decision of the Court of Appeal in Northern Ireland whose decision shall, except as hereinafter provided, be final.^[3]

(3) An appeal shall lie to the House of Lords from any decision of the Court of Appeal in Northern Ireland, being a decision from which an appeal would have lain to the House of Lords under section forty-nine of the principal Act had it been a decision of the High Court of Appeal for Ireland, and that section shall have effect accordingly with the substitution of references to the Court of Appeal in Northern Ireland for references to the High Court of Appeal for Ireland.^[4]

(4) Nothing in the foregoing provisions of this paragraph shall affect the right of appeal to the House of Lords from any decision of the High Court of Appeal

Sched. 1

for Ireland given before the date when this Schedule comes into operation, and in the case of any appeal to the High Court of Appeal for Ireland which is pending at that date the decision of the court from which the appeal was taken shall, for the purposes of appeal to the House of Lords, be treated as if it were a decision of the High Court of Appeal for Ireland given immediately before that date.^[5]

[1] For the repealed enactments see Appendix B below.

[2] "section fifty." See Chapter I above.

[3] "Questions under the Crown Cases Act . . . final." These words were repealed by s. 21 (4) of 20 & 21 Geo. 5, c. 45 (U.K.), which Act established a Court of Criminal Appeal in Northern Ireland. See note to s. 40 of the principal Act, in Chapter I above.

[4] For s. 49 of the principal Act, see Chapter I above.

[5] For decisions of the High Court of Appeal, see Appendix B below.

Civil
Service
Committee.

7.—(1) The Civil Service Committee shall, instead of being constituted in the manner provided by subsection (2) of section fifty-six of the principal Act, consist of five members, of whom one shall be appointed by the Treasury, one by a Secretary of State, one by the Government of Northern Ireland, one by the existing Irish officers who have been transferred to the Government of Northern Ireland, and one (who shall be chairman) by the Lord Chief Justice of England.^[1]

(2) The powers of the Civil Service Committee (which shall hereafter be known as the Civil Service Committee for Northern Ireland) shall be exercisable in relation only to existing Irish officers^[2] who have been transferred from the Government of the United Kingdom to the Government of Northern Ireland under the principal Act, and in relation to existing

or pensioned officers of local authorities or of a university or college in Northern Ireland.^[3] **Sched. 2**

[¹] For s. 56 of the principal Act see Chapter I above.

[²] "existing Irish officers." See ss. 55-59 of the principal Act, in Chapter I above.

[³] As to "officers of local authorities or of a university or college," see s. 68 (2) of the principal Act, in Chapter I above.

SECOND SCHEDULE.

PROVISIONS AS TO EXISTING IRISH JUDGES,^[1] LORD CHANCELLOR OF IRELAND, AND IRISH LAND COMMISSIONERS.^[2]

[¹] Part I of this Schedule made provision for payment of pensions and compensation to Supreme Court Judges, County Court Judges and Recorders resigning office at or after the date on which the Constitution of the Irish Free State came into operation. See also Article 10 of the Articles of Agreement in the Schedule to 12 & 13 Geo. 5, c. 4, Chapter II above.

[²] "Irish Land Commissioners." Part III of this Schedule dealt with the abolition of office and retirement in the case of commissioners of the Irish Land Commission. As to Northern Ireland, see note on s. 9 (3) of the principal Act, in Chapter I, p. 23, above.

PART II.

LORD CHANCELLOR OF IRELAND.

The office of Lord Chancellor of Ireland shall be abolished,^[1] and the person holding that office at the date of the passing of this Act shall be entitled to receive the like compensation for loss of office as if he were an existing judge of the Supreme Court of Judicature of Southern Ireland whose office had been, abolished on the establishment of courts by the Parliament of the Irish Free State, and the provisions of Part I of this Schedule^[2] shall apply accordingly.

Sched. 2

[¹] Under the principal Act, as originally enacted, the Lord Chancellor of Ireland ceased to be a member of the Government having executive functions and coming into and going out of office upon "a change of Ministry"; he received the tenure of a Supreme Court Judge, and became the Judge-President of the High Court of Appeal for Ireland (ss. 42 and 43). These provisions had effect from 27th June, 1921 (S. R. & O. 1921, No. 1130, p. 117 above), until the 5th December, 1922, during which period Sir John Ross held the office.

[¹] "Part I of this Schedule." See note [¹] on heading to Second Schedule above.

CHAPTER IV

THE IRELAND (CONFIRMATION OF AGREEMENT) ACT, 1925.

THIS Act gave the force of law to the Agreement concluded on 3rd December, 1925, for amending and supplementing the Articles of Agreement of 6th December, 1921. A short account of the events which led up to this measure will be found at pp. 57-64 in Part I of this work.

15 & 16 GEO. 5, CH. 77.

An Act to confirm and give effect to a certain Agreement amending and supplementing the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Éireann) Act, 1922.

[10th December, 1925.]

1.—(1) The Agreement set forth in the Schedule to this Act, being an Agreement amending and supplementing the Articles of Agreement for a Treaty between Great Britain and Ireland, to which the force of law was given by the Irish Free State (Agreement) Act, 1922,^[1] and by the Constitution of the Irish Free State (Saorstát Éireann) Act, 1922, is hereby confirmed, and

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Confirmation of Agreement.

12 Geo. 5, c. 4.

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the said Articles of Agreement for a Treaty and the Irish Free State (Agreement) Act, 1922, shall have effect accordingly.

(2)^[2] The date as from which the powers in relation to Northern Ireland, which by the Government of Ireland Act, 1920, are made powers of the Council of Ireland, are to be transferred to the Parliament and Government of Northern Ireland, shall be the first day of April, nineteen hundred and twenty-six, and that day shall, in relation to the transfer of those powers, be the appointed day for the purposes of the Government of Ireland Act, 1920; and as from that day so much of the Government of Ireland Act, 1920, and the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), as relates to the Council of Ireland is hereby repealed:

[3] Provided that this repeal shall not affect the provisions of sub-section (2) of section ten of the Government of Ireland Act, 1920, as modified by paragraph 3 of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), with respect to the rates, fares, tolls, dues and other charges authorised to be charged by railway companies in Northern Ireland or the powers of the Railway and Canal Commission thereunder, until fresh provision is made by the Parliament of Northern Ireland with regard to the amount of any such rates, fares, tolls, dues and other charges.

[1] See Chapter II above, p. 163.

[2] This sub-section relates to Article 5 of the scheduled Agreement.

[3] As to this proviso, see also pp. 223, 224 above, and s. 6 of 16 & 17 Geo. 5, c. 4 [N.I.], p. 237 below.

Short title
and com-
mencement.

2.—(1) This Act may be cited as the Ireland (Confirmation of Agreement) Act, 1925.

(2) This Act shall come into operation^[1] on the date on which the said Agreement is confirmed by Act of the Parliament of the Irish Free State, or if such an Act is passed before the passing of this Act shall come into operation on the passing of this Act. Sched.

[1] The Act came into operation on 17th December, 1925, which is the date of the passing of the Act of the Parliament of the Irish Free State (Number 40 of 1925) confirming the Agreement.

SCHEDULE.

AGREEMENT AMENDING AND SUPPLEMENTING THE ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND TO WHICH THE FORCE OF LAW WAS GIVEN BY THE IRISH FREE STATE (AGREEMENT) ACT, 1922, AND BY THE CONSTITUTION OF THE IRISH FREE STATE (SAORSTAT EIREANN) ACT, 1922.

WHEREAS on the sixth day of December, nineteen hundred and twenty-one, Articles of Agreement for a Treaty between Great Britain and Ireland were entered into:

And whereas the said Articles of Agreement were duly ratified and given the force of law by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Eireann) Act, 1922:

And whereas the progress of events and the improved relations now subsisting between the British Government, the Government of the Irish Free State, and the Government of Northern Ireland, and their respective peoples, make it desirable to amend and supplement the said Articles of Agreement, so as to

Sched.

avoid any causes of friction which might mar or retard the further growth of friendly relations between the said governments and peoples:

And whereas the British Government and the Government of the Irish Free State being united in amity in this undertaking with the Government of Northern Ireland, and being resolved mutually to aid one another in a spirit of neighbourly comradeship, hereby agree as follows:—

1. The powers conferred by the proviso to Article 12 of the said Articles of Agreement on the Commission therein mentioned are hereby revoked, and the extent of Northern Ireland for the purposes of the Government of Ireland Act, 1920, and of the said Articles of Agreement, shall be such as was fixed by sub-section (2) of section one of that Act.

2. The Irish Free State is hereby released from the obligation under Article 5 of the said Articles of Agreement^[1] to assume the liability therein mentioned.

[Articles 3 and 4 do not affect Northern Ireland.]

5. The powers in relation to Northern Ireland which by the Government of Ireland Act, 1920, are made powers of the Council of Ireland,^[2] shall be and are hereby transferred to and shall become powers of the Parliament and the Government of Northern Ireland; and the Governments of the Irish Free State and of Northern Ireland shall meet together as and when necessary for the purpose of considering matters of common interest arising out of or connected with the exercise and administration of the said powers.

6. ^[3] This Agreement is subject to confirmation by the British Parliament and by the Oireachtas of the Irish Free State, and the Act of the British Parliament confirming this Agreement shall fix the date as from

which the transfer of the powers of the Council of **Sched.**
Ireland under this Agreement is to take effect.

Dated this 3rd day of December, 1925.

Signed on behalf of the British Government.

STANLEY BALDWIN.

WINSTON S.

CHURCHILL.

W. JOYNSON-HICKS.

BIRKENHEAD.

L. S. AMERY.

Signed on behalf of the
Government of the
Irish Free State.

LIAM T. MACCOSAIR.

KEVIN O'HIGGINS.

EARNÁN DE BLAGHD.

Signed on behalf of the
Government of Nor-
thern Ireland.

JAMES CRAIG.

CHARLES H. BLACKMORE,
Secretary to the Cabinet
of Northern Ireland.

[¹] See Chapter II above, p. 167.

[²] "powers of the Council of Ireland." See above, pp.
223, 224, 232, and also Part I of this work, pp. 59-61.

[³] In the Parliament of Northern Ireland on 9th Dec.,
1925, resolutions were adopted by both Houses approving
of the terms of the Agreement.

The Administrative Provisions Act
(Northern Ireland), 1926.

The conclusion of the Agreement of 3rd December,
1925, and its subsequent ratification by the Parliaments of the United Kingdom and the Irish Free State, made it necessary for the Parliament of Northern Ireland to provide for the exercise of the executive powers of the Council of Ireland. This was done by the Act here set out, which received the Royal Assent on 30th March, 1926, and had effect as from 1st April of that year, by virtue of s. 1 (2) of the Act confirming the Agreement. Provisions relating to minor details of administration are omitted.

Sect. 1

16 & 17 GEO. 5, CH. 4 [N.I.].

An Act to make provision with respect to the administration of the public services transferred to the Government of Northern Ireland by virtue of the Ireland (Confirmation of Agreement) Act, 1925, and for purposes connected therewith.

[30th March, 1926.]

Exercise of
executive
powers of
Council of
Ireland.

10 & 11 Geo.
5, c. 67.
15 & 16 Geo.
5, c. 77.

1.—(1) The powers which, in pursuance of sub-section (2) of section ten of the Government of Ireland Act, 1920, as amended by the Ireland (Confirmation of Agreement) Act, 1925, become, as from the first day of April, nineteen hundred and twenty-six (in this Act referred to as "the appointed day"), powers of the Government of Northern Ireland shall, subject to the provisions of this Act, be exerciseable as follows:—

- (a) The powers with respect to railways and fisheries shall be exerciseable by the Ministry of Commerce;
- (b) the powers with respect to the contagious diseases of animals shall be exerciseable by the Ministry of Agriculture.

12 Geo. 5,
c. 6.

(2)^[1] The provisions of the Ministries of Northern Ireland Act, 1921 [N.I.], and of any other enactment of the Parliament of Northern Ireland making general provision with respect to the administration of public services by departments and officers of the Government of Northern Ireland shall apply, in connection with the exercise of powers and the performance of duties to which this section relates, to the exclusion of any corresponding provisions contained in the enactments applicable in connection therewith immediately before the appointed day.

(3) The enactments relating to or affecting Irish

services in connection with railways, fisheries and the contagious diseases of animals, and in force immediately before the appointed day, shall, in their application to Northern Ireland, have effect subject to the provisions of this Act, and, in particular, subject to the adaptations and modifications set out in the Schedule to this Act, and to such further adaptations and modifications (if any) as may be made in those enactments by the Governor of Northern Ireland in Council^[2] for the purpose of giving full effect to this Act.

[1] For enactments of general application to the public service, see Chapter VI, p. 276 below.

[2] "by the Governor of Northern Ireland in Council." No such orders have been made.

6.^[1] Nothing in this Act shall be construed as making fresh provision with respect to the powers of the Railway and Canal Commission in Northern Ireland.

Saving for
Railway and
Canal
Commission.

[1] The effect of this section is to preserve the jurisdiction of the Commission as to railway rates, fares, etc., in Northern Ireland, which might otherwise have been supposed to have passed to the Ministry of Commerce under the general transfer of railway powers. See also the proviso to s. 1 (2) of 15 & 16 Geo. 5, c. 77, above.

7. If, as a result of any meetings held in pursuance of Article 5 of the Agreement set forth in the Schedule to the Ireland (Confirmation of Agreement) Act, 1925, any agreement is made between the Government of Northern Ireland and the Government of the Irish Free State as to the apportionment of property and liabilities of boards of conservators of fishery districts which, before the establishment of the Irish Free State, were situate partly within Northern Ireland and partly within the territory which became the Irish Free State, the Ministry of Commerce may give to any boards of conservators of districts within Northern Ireland and

Apportion-
ment of
property of
Fishery Con-
servators.

Sect. 7

their officers, such directions as may be necessary to give effect to the agreement, and it shall be the duty of such boards and their officers to carry out the directions so given.

Power to charge reduced duties for licences to fish in certain cases.

8.^[1] It shall be lawful for boards of conservators to charge reduced licence duties^[1] for licences to fish with a rod, where the applicant for the licence is the holder of such a licence granted by any board of conservators in the Irish Free State, if the Ministry of Commerce, by notice published in the Belfast Gazette, notifies that it has been agreed between the Governments of Northern Ireland and of the Irish Free State that corresponding advantages are to be given in the Irish Free State to the holders of licences to fish with a rod granted by any board of conservators in Northern Ireland:

Provided that the holder of a licence in respect of which a reduced licence duty is charged shall not be entitled in respect of such licence to vote at any meeting held for the election of conservators.

[¹] "reduced licence duties." No such agreement as is contemplated in this section has yet (1933) been arrived at between the Governments concerned.

Short title and commencement.

15.—(1) This Act may be cited as the Administrative Provisions Act (Northern Ireland), 1926.

(2) This Act shall come into operation on the appointed day.^[1]

[¹] 1st April, 1926. See s. 1 (1) above.

SCHEDULE.

PART I.

General Adaptations.

Section 1 (3).

1.—(1) The enactments to which the several Parts of this Schedule hereinafter contained apply shall have

effect, in their application to Northern Ireland, subject to the adaptations and modifications set out in this Schedule, save where inconsistent with the provisions of this Act or the Government of Ireland Act, 1920, or any enactment amending the same. **Sched.**

(2) Subject to the express adaptations and modifications made by this Schedule, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made by His Majesty in Council under the Government of Ireland Act, 1920, or any enactment amending the same, containing adaptations of general application, shall, if and so far as they are applicable to the enactments adapted by this Schedule, apply thereto in like manner as they apply to other enactments.

(3) The adaptations and modifications made by this Schedule shall apply to any order, scheme, rule, regulation or instrument made or issued under any of the enactments so adapted or modified and in force as respects Northern Ireland immediately before the appointed day, in like manner as they apply to the enactment under which it was made or issued; and any such order, scheme, rule, regulation or instrument shall continue in force as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.

2. References in this Act to any department of the Government of the United Kingdom shall be construed as including references to the Secretary of State,^[2] in any case where immediately before the appointed day the powers and duties of that department were, as respects Northern Ireland, exercisable by the Secretary of State in pursuance of an Order of His Majesty in Council.

Sched.**PART II.***Railway Enactments.*

3. This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with railways (in the said Part referred to as "the railway enactments").

4. In the railway enactments—

(a) references to the Board of Trade, to the Minister of Transport, or to any department or officer of such board or Minister, shall (subject to the provisions of paragraph (b) of this Article) be construed as references to the Ministry of Commerce or to the corresponding department or officer (if any) attached to that Ministry;

(b) references to the Minister of Transport or the Commissioners of Public Works in Ireland shall, if they occur in relation to the making or repayment of any advance or loan, be construed as references to the Ministry of Finance, and in any other case shall be construed as references to the Ministry of Commerce.

5. The Ministry of Commerce and the Railway and Canal Commission shall consult the Ministry of Labour before making any order under the Railway Regulation Act, 1893.

6. In any case where, under any provisions of the Tramways (Ireland) Acts, 1860 to 1900, as originally enacted, or as amended by subsequent provisions of those Acts, an Order made by the Lord Lieutenant in Council would have required confirmation by Parliament, the Order of the Ministry of Commerce shall not become operative unless and until it has been approved by a resolution passed by both Houses of Parliament.

PART III.

Sched.

Fishery Enactments.

7. This Part of this Schedule applies to the enactments relating to or affecting Irish services in connection with fisheries (in the said Part referred to as "the fishery enactments").

8. In the fishery enactments references to the Department of Agriculture and Technical Instruction for Ireland shall, except as otherwise expressly provided by this Act, be construed as references to the Ministry of Commerce:

^[3] Provided that nothing in this Article shall apply to references to the said Department, where they occur in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws.

9. References in the fishery enactments to any officer or constable of the Royal Irish Constabulary shall be construed as references to the officer or constable, by whatever title designated, of the Royal Ulster Constabulary having corresponding rank and functions.

PART IV.

Enactments as to Contagious Diseases of Animals.

10. This Part of this Schedule applies to the Diseases of Animals Acts (excluding this Act).

11. In the Diseases of Animals Acts—

(a) references to the General Cattle Diseases Fund shall be construed as references to the Fund^[4] or to the general account of the Fund, as the case may require;

(b) references to the Cattle Pleuro-pneumonia Account of the General Cattle Diseases Fund shall be construed as references to the special account of the Fund;

Sched.

- (c) references to the Department of Agriculture and Technical Instruction for Ireland shall be construed as references to the Ministry of Agriculture;
- (d) the reference in section seventy-four of the Diseases of Animals Act, 1894, to the Royal Irish Constabulary Force shall be construed as a reference to the Royal Ulster Constabulary Force.

[1] "the General Adaptation of Enactments (Northern Ireland) Order, 1921." S. R. & O. 1921, No. 1804, as to which see Chapter VIII below, and also pp. 54-56 in Part I of this work.

[2] "the Secretary of State." Until 1st April, 1926, the administrative powers as regards Fisheries and Diseases of Animals remained in the hands of the Secretary of State for the Home Department. See S. R. & O. 1922, No. 316, which was revoked immediately before the coming into operation of the Northern Ireland Act. See also pp. 59-61 in Part I of this work.

[3] Certain sea fishery matters are outside the competence of the Northern Ireland Parliament by virtue of s. 4 of the Government of Ireland Act, 1920.

[4] "the Fund." This means the General Cattle Diseases Fund for Northern Ireland, established by s. 10 of the Act (not set out above).

CHAPTER V

THE NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACTS, 1928 AND 1932.

THE actual working of the Parliament and Government of Northern Ireland during the years 1921 to 1932 disclosed various points at which full advantage of the transferred powers could not be taken without impinging in minor details upon some reserved power.

Under s. 47 of the Government of Ireland Act "all matters relating to the Supreme Court" were (with certain specific exceptions)^[1] reserved matters; and this reservation gave rise to doubts as to the extent of the general powers of the Northern Ireland Parliament. It was always recognised that legislation of that Parliament, if it should alter the criminal law or a civil right or liability, would be enforced by means of the jurisdiction of the Supreme Court. But it was not clear that a Northern Ireland statute could validly designate, for the exercise of jurisdiction, some particular division, judge, or officer of that court, or could confer upon the Supreme Court rule-making authority a power to make rules as to procedure or distribution of business in that court. It was also uncertain how far jurisdictions of a new or special kind could be conferred upon the Supreme Court by the Northern Ireland Parliament.

[1] See note on that section, Chapter I, p. 77 above.

Some of the restrictions imposed by s. 4 of the Act

Sect. 1

of 1920 on the powers of the Parliament and Government of Northern Ireland seemed, when strictly construed, to prevent the reasonable exercise of those powers in matters undoubtedly transferred. The Act of 1920 was also found difficult to apply as regards the consolidation of a branch of the statute law whose general subject-matter was within the powers of the local Parliament, but which included enactments relating to reserved matters.

Other matters also arose at points where the Imperial and local jurisdictions overlap—such as the administration in Northern Ireland of intestates' estates devolving on the Crown; legislation as to the priority of income tax debts in a bankruptcy taking place in Northern Ireland; and the making of reciprocal arrangements in social services between Northern Ireland and other parts of the British Empire.

Practical solutions of various difficulties were agreed upon from time to time by the two Governments, and were embodied in the following Acts passed by the Parliament of the United Kingdom in 1928 and 1932 respectively, which—so far as they are of an enabling character—may be said to clarify, rather than to extend, the powers granted by the “principal Act” of 1920.

1. *The Northern Ireland (Miscellaneous Provisions) Act, 1928.*

18 & 19 GEO. 5, CH. 24.

An Act to make miscellaneous amendments in the law applicable to Northern Ireland.

[3rd August, 1928.]

Provisions
as to the
Supreme
Court.
10 & 11
Geo. 5, c. 87.

1. It is hereby declared that the reservation in section forty-seven of the Government of Ireland Act, 1920 (in this Act referred to as “the principal Act”) of matters relating to the Supreme Court of Northern

Ireland^[1] shall not preclude the Parliament of Northern Ireland from conferring on the rule-making authority^[2] power to make rules regulating procedure and distribution of business^[3] in the Supreme Court in regard to matters within the jurisdiction of that Parliament, or from conferring on the Supreme Court jurisdiction to hear and determine appeals from, and questions of law^[4] on cases stated for its opinion by, any inferior court or other tribunal, and power to direct any such court or tribunal to state such a case. **Sect. 1**

[1] "matters relating to the Supreme Court of Northern Ireland." Under s. 4 (14) of the principal Act (p. 9 above) the Northern Ireland Parliament have no power to make laws in respect of "any matter which by this Act is declared to be a reserved matter"; and s. 47 (p. 77 above) enacts that "all matters relating to the Supreme Court of Northern Ireland shall be reserved matters." These general words, however, have to be construed together with the general grant of legislative power under s. 4, *i.e.*, "to make laws for the peace, order, and good government of Northern Ireland." A process of clarification was initiated by s. 47 itself, which declares that the reservation "shall not extend to the regulation of the profession of solicitors" (as to which, see 12 & 13 Geo. 5, c. 19 (N.I.)). S. 3 of the Supreme Court of Judicature of Northern Ireland Act, 1926 (16 & 17 Geo. 5, c. 44), provided that the reservation "shall not be construed as precluding the Parliament of Northern Ireland from having power, subject to the other provisions of that Act [the Act of 1920], to make laws in respect of the following matters in relation to jurors and juries in that [Supreme] Court, namely, the preparation and revision of jury lists, and the qualification, selection, summoning and attendance of jurors." In partial reliance on the last-mentioned enactment the Parliament of Northern Ireland carried into effect some important local recommendations as to jury service in the statute 16 & 17 Geo. 5, c. 15 (N.I.).

S. 1 of the Act of 1928 co-ordinated the powers of the local legislature and the "reserved" judiciary in the following respects:—

Sect. 1

- (a) it enabled the legislature to invoke the rule-making authority for the making of procedure rules in matters arising upon a local enactment, and for determining a particular division, court, or judge to exercise jurisdiction in such a matter;
- (b) it enabled the legislature to provide for appeals to the Supreme Court in cases outside the general provisions relating to the judiciary.

For further provisions see s. 1 (1) of the Act of 1932, p. 256 below.

[²] "the rule-making authority." S. 61 of the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict., c. 57), as amended by the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897 (60 & 61 Vict., c. 66), conferred upon the Lord Lieutenant, in the Privy Council of Ireland, power to make, alter, or annul Rules of the Supreme Court, with the concurrence and upon the recommendation of a majority of judges and certain other persons mentioned in s. 12 of the latter Act. Under those enactments, as they apply in Northern Ireland, the rule-making authority consists of the Governor, in the Privy Council of Northern Ireland, acting upon the recommendation and with the concurrence of a majority of all the judges of the Northern Ireland Supreme Court for the time being (of which the Lord Chief Justice of Northern Ireland must be one), and one barrister and one solicitor (respectively practising in Northern Ireland) to be appointed for the purpose by the Lord Chief Justice.

[³] "procedure and distribution of business." Power to make Rules of Court of this kind has been conferred upon the rule-making authority for the Supreme Court by various enactments of the Parliament of Northern Ireland, *e.g.*—

20 Geo. 5, c. 1, s. 21—Administration in bankruptcy of estates of persons dying insolvent.

20 Geo. 5, c. 15, s. 8—Orders for adoption of children.

20 & 21 Geo. 5, c. 24, s. 15—Money deposits in respect of insurance of motor-cars against third-party risks.

See also the examples mentioned in note [⁴] below.

[⁴] "appeals . . . and questions of law." Jurisdiction to hear and determine such matters has been conferred in several cases, of which the following are examples:—

18 & 19 Geo. 5, c. 30, s. 1 (3), and Schedule—Appeals, **Sect. 2**
by way of case stated, from decision of Court of
Quarter Sessions upon an appeal to that court from
the Commissioner of Valuation.

20 Geo. 5, c. 21, s. 7—Appeals from the tribunal
appointed to fix fares and rates for public service
vehicles.

21 & 22 Geo. 5, c. 12, s. 47—Appeals against certain
orders and decisions relating to planning schemes,
clearance of areas, demolition of houses, etc.

In these cases a power to regulate procedure and dis-
tribute the business was conferred upon the rule-making
authority.

2.—(1) The restrictions contained in section four of the principal Act on the power of the Parliament of Northern Ireland to make laws shall not be construed as preventing that Parliament making laws for the purpose of ensuring that live stock and agricultural produce (or any class thereof) shall not be sent to Great Britain, the Isle of Man or the Irish Free State, except under such regulations as to standards of quality, inspection or compulsory insurance as may be made by or under the authority of that Parliament.^[1]

Explanation
of restric-
tions in s. 4
of principal
Act.

(2) *This sub-section has been repealed.*^[2]

(3) The said restrictions shall not be construed as preventing the Parliament of Northern Ireland, for the purpose of the consolidation of a branch of the statute law whose general subject-matter is within the powers of that Parliament, repealing and re-enacting any enactments of the Parliament of the United Kingdom, which form a part of that branch of the statute law, but relate to matters in respect of which the Parliament of Northern Ireland have not power to make laws.^[3]

(4) Notwithstanding the said restrictions, the Parlia-
ment of Northern Ireland shall be deemed always to
have had power to confer a right to take proceedings

Sect. 2

15 & 16
Geo. 5, c. 84.

6 Edw. 7,
c. 58.

in a county court in Northern Ireland for the purpose of recovering any compensation in respect of an injury to a master, seaman, apprentice to the sea service, apprentice in the sea-fishing service, or pilot, to which any person may be entitled under sub-section (1) or sub-section (3) of section thirty-five of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, in any case in which if the injury had occurred before the establishment of the Parliament of Northern Ireland proceedings could have been taken in a county court having jurisdiction in some county now forming part of Northern Ireland under section seven of the Workmen's Compensation Act, 1906, and the Rules of Court made under that Act.^[4]

(5) Where an Act of the Parliament of Northern Ireland provides for the imposition on any persons of an obligation to afford facilities to any Government department administering matters declared by the principal Act to be reserved matters or contains provisions for the protection of any such Government department, the said restrictions shall not extend and shall be deemed never to have extended so as to prevent the Parliament of Northern Ireland from prescribing the method of determining disputes with reference to such obligation or protection.^[5]

[4] For examples of legislation passed by the Parliament of Northern Ireland as to matters mentioned in this sub-section, see the following:—

18 & 19 Geo. 5, c. 17—which provides that a licence must be obtained from the Ministry of Agriculture by persons proposing to send potatoes to Great Britain or the Isle of Man; makes requirements as to grading, packing, Government inspection, and certification; and prescribes penalties for offences against the Act.

18 & 19 Geo. 5, c. 26—which provides for the establishment of a fund for the payment of compensation to the owners of cattle, sheep, and pigs exported from

Northern Ireland, in cases where the animals are slaughtered at some port in Great Britain in consequence of an outbreak, or apprehended danger, of foot-and-mouth disease. **Sect. 2**

20 Geo. 5, c. 14, Part II—which requires licences for the sending of butter and cream to Great Britain, the Isle of Man, or the Irish Free State.

20 & 21 Geo. 5, c. 23—which provides for the maintenance of proper standard of quality in meat sent to Great Britain or the Isle of Man.

21 & 22 Geo. 5, c. 8, Part I—which makes similar provision as to fruit.

[²] This sub-section was repealed and re-enacted with amendments by s. 9 of the Northern Ireland (Miscellaneous Provisions) Act, 1932—see p. 270 below.

[³] This sub-section removed a minor constitutional obstacle in the way of the consolidation, by Act of the Northern Ireland Parliament, of statutes passed before the establishment of that Parliament and continuing in force by virtue of s. 61 of the Government of Ireland Act, 1920. The bulk of the statute law, as applying to Northern Ireland in the earlier years of the Constitution, was framed before the legislative jurisdiction had been divided between Westminster and Belfast according to subject-matter, so that “reserved” subjects were liable to occur in the midst of tracts of “transferred” law. In the case of workmen’s compensation, where consolidation was taken up in the year 1927 (17 & 18 Geo. 5, c. 16), two “reserved” subjects occurred in the prior enactments—appeals from the Court of Appeal to the House of Lords upon compensation awards, and arrangements for dealing with invested moneys in the Post Office Savings Bank. A cumbrous expedient, that of setting out the “reserved” enactments in a special schedule of the Northern Ireland Act, was adopted. The way was made clear for future consolidations by the sub-section to which this note relates, taken with s. 3 of the Act of 1932, p. 260 below, by which it is amplified.

[⁴] Under s. 9 of 17 & 18 Geo. 5, c. 13 (N.I.), reproduced in s. 35 (1) of the Workmen’s Compensation Act (Northern Ireland), 1927 (17 & 18 Geo. 5, c. 16), the Parliament of Northern Ireland purported to give rights in Northern Ireland courts as against employers in other

Sect. 2

parts of the United Kingdom, in respect of accidents occurring at sea in any part of the world. Doubts being raised as to the technical validity of these enactments in certain respects, the above sub-section was passed to remove them.

For the Rules of Court made under the Workmen's Compensation Act, 1906, see S. R. & O. 1917, No. 529. The relevant rule is as follows:—

"In what Court proceedings may be taken."

81. Any matter which under the Act or these Rules is to be done in a county court, or by to or before the Judge or Clerk of the Peace of a county court, may be done in the county court or by to or before the Judge or Clerk of the Peace of the county court hereinafter mentioned, viz.:—

(1) (i) the court in the division of the county in which all the parties concerned reside or carry on business; or

(ii) if the parties concerned reside or carry on business in different divisions—

(a) the court in the division in which the accident out of which the matter arises occurred, or, in the case of any such workman as in paragraph 1 of Rule 36 mentioned, the court in the division in which the workman was last employed in the employment to the nature of which the disease was due; or

(b) the court in the division in which the party or one of the parties against whom relief is sought resides or carries on business at the time when the matter is to be done.

(2) If the accident out of which the matter arises occurred at sea, any such matter as in paragraph 1 of this rule mentioned may, without prejudice to the preceding provisions of this rule, be done in the county court, or by to or before the Judge or the Clerk of the Peace of the county court—

(i) in the division in which the ship shall be when the matter is to be done; or

(ii) in the division comprising the port of registry of the ship; or

(iii) in the division in which the workman or the dependants of the workman by whom or on whose behalf the

matter is to be done, or some or one of them, resides or **Sect. 3**
reside.

Detention of Ships.

(3) An application for an order for the detention of a ship may, subject to the provisions of the rules for the time being in force under the Shipowners Negligence (Remedies) Act, 1905, be made to the Judge of any Court.

Proceedings against persons giving security.

(4) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security pursuant to the Shipowners Negligence (Remedies) Act, 1905, or section 11 of the Act and Rules 34 and 35, such proceedings may be commenced—

(i) in any court in which proceedings may be commenced pursuant to sub-paragraphs (i) and (ii) of paragraph 1 of this rule; or

(ii) if the accident occurred at sea—

(a) in the court in the division of which the vessel is or was detained, or in which the order for detention was made or applied for; or

(b) in the court of the division in which the workman or the dependants of the workman, or some or one of them, resides or reside.

(5) The provisions of this rule shall be without prejudice to any transfer in manner provided by these Rules.”

[*] Apart from this sub-section, it would not have been clear whether the Parliament of Northern Ireland could provide that, in the case of a difference between a “reserved” Government authority and some person or body acting under powers given by that Parliament, the “reserved” authority should be subject to an arbitration designated by that Parliament. A provision of the kind to which the sub-section refers will be found in 20 & 21 Geo. 5, c. 24 (N.I.), s. 2, where a difference between H.M. Postmaster-General and an omnibus proprietor as to the conveyance of mails can be determined by a tribunal set up by a Northern Ireland statute.

Administra-
tion of
intestates
estates
devolving on
the Crown.

3.—(1) Where His Majesty becomes, or has before the commencement of this Act become, entitled in right of His Crown to any real or personal estate in

Sect. 3

39 & 40
 Vict., c. 18.

Northern Ireland of an intestate, the court shall on application being made on that behalf grant administration of that estate to a nominee of His Majesty, and if His Majesty is pleased in accordance with the Treasury Solicitor Act, 1876,^[1] by warrant under His Royal Sign Manual to nominate for that purpose the Treasury Solicitor, the nominee shall be the Treasury Solicitor, or, if the warrant so provides, some person nominated in that behalf by the Treasury Solicitor, and the person so nominated by the Treasury Solicitor may be the Chief Crown Solicitor for Northern Ireland,^[2] and the Treasury Solicitor Act, 1876, shall apply accordingly and shall be deemed to extend to real as well as to personal estate:

Provided that this provision shall not prevent the grant of administration of such personal estate to any other person in any case where the Treasury Solicitor or other nominee has not made and has signified his intention not to make such an application.

(2) In so far as the estate of the intestate to which His Majesty becomes, or has become, entitled as aforesaid consists of or comprises real estate to which the intestate was entitled for an interest not ceasing on his death, it shall, upon the grant to such a nominee of such administration as aforesaid, devolve upon and vest in the administrator in like manner as if it were a chattel real, and all powers, duties, rights, equities, obligations and liabilities of a personal representative with respect to chattels real shall attach to such administrator and shall have effect with respect to the real estate so vested in him:

Provided that nothing herein contained shall alter or affect the order in which real and personal estates respectively are applicable in or towards the payment of funeral or testamentary expenses, debts or legacies.

(3) Neither the Treasury Solicitor nor the Chief

Crown Solicitor for Northern Ireland acting on the nomination of the Treasury Solicitor shall, when applying for or obtaining administration for the use or benefit of His Majesty under this section, be required to give an administration bond, nor shall he be required to deliver, nor shall the court or the Ministry of Finance for Northern Ireland be entitled to receive, in connection with any such application or grant of administration, any affidavit, statutory declaration, account, certificate or other statement verified on oath; but he shall deliver, and the court and the said Ministry respectively shall accept, in lieu thereof, an account or particulars of the estate of the intestate, signed by him or on his behalf. **Sect. 3**

(4) Any grant of administration of the personal estate of an intestate to the Chief Crown Solicitor for Northern Ireland made before the passing of this Act is hereby confirmed, and where such a grant has been made and the estate of the intestate included real as well as personal estate to which His Majesty became entitled in right of His Crown, the court shall on application being made for the purpose extend the grant so as to cover such real estate.^[3]

(5) In this section, unless the context otherwise requires—

“Intestate” includes a person who leaves a will, but dies intestate as to some beneficial interest in his real estate, or, if probate of the will is not granted to an executor, in his personal estate:

“Administration” means letters of administration of a deceased person, whether general or limited:

“The court” means the High Court of Justice in Northern Ireland:

The interest of a deceased person under a joint tenancy shall be deemed an interest ceasing on his death.

Sect. 3

[¹] Under s. 2 of this statute a Treasury solicitor, when authorised by warrant of His Majesty, was enabled to apply to the court for a grant to administer the personal estate of an intestate devolving on the Crown (*e.g.*, in the case of an illegitimate person), or, if so authorised, to nominate someone to act in that behalf. This, though a United Kingdom enactment, was not put into force in Ireland. There the practice under Rules of Court was that no grant could be made in such cases until notice were given to the Attorney-General in order that he might determine the expediency of intervening on the part of the Crown; and no grant was to be issued until the Attorney-General had signified the course which it would be proper to take. This practice gave rise to difficulty as regards Northern Ireland, and in consequence the Act of 1876 was specifically applied by the above provision, which deals with both real and personal estate. See also the Intestates Estates Act, 1884 (47 & 48 Vict., c. 71), as adapted in its application to Northern Ireland by the Government of Ireland (Intestates Estates) Order, 1927 (S. R. & O. 1927, No. 1204, in Chapter VIII below).

[²] The Chief Crown Solicitor is nominated by Deed Poll.

[³] The validity of proceedings in this matter in Northern Ireland, after the appointed day and before the enactment of the above provision, might have been open to question—see note [¹].

Amendment
of Land
Purchase
Acts.

4.—(1) Notwithstanding anything in the Land Purchase Acts, the Land Purchase Commission, Northern Ireland,^[1] may for the purposes of the distribution of purchase money direct payment of a claim if of opinion that the title thereto though imperfect is nevertheless such as would make it improbable that any claim adverse thereto could be sustained.

(2) The Commission shall be entitled to act on the evidence of title submitted by a claimant without being required to inquire as to any estate, right, claim or interest undisclosed thereby which may at the time of the distribution of the purchase money be subsisting or capable of arising.

(3) Where a person within the time allowed by this **Sect. 4** section proves to the satisfaction of the Commission that he or the person from whom he derives title was entitled to claim to participate in the distribution of purchase money, and that such claim was undisclosed at the time of the distribution, he shall be entitled to be paid by the Commission a sum equal to the value of his claim:

Provided that a person shall not be entitled to compensation under this section where he or the person from whom he derives title has caused or substantially contributed to the loss by any act, neglect or default of himself or his agent.

(4) The time allowed by this section shall be six years from the date of the distribution of the purchase money, or from the date after the distribution of the purchase money when the claimant or the person from whom he derives title first knew or might with reasonable diligence have ascertained the existence of the claim:

Provided that—

(a) where the claimant was on the date of the distribution of the purchase money an infant his claim may be made within six years from the time when he attains full age; and

(b) where any person interested is entitled as a proprietor of a charge or as a mortgagee the claim by him may be made within six years from the last payment in respect of principal or interest; and

(c) where any person interested is the owner of a superior interest his claim may be made within six years from the date of the last payment in respect of such superior interest.

Sect. 5

(5)^[2] This section shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

[1] "the Land Purchase Commission, Northern Ireland." See S. R. & O. 1923, No. 615, in Chapter VIII below.

[2] This section was enacted in order to expedite the examination of title for the purpose of "automatic sales" of untenanted land under the Northern Ireland Land Act, 1925 (15 & 16 Geo. 5, c. 34). See also the Northern Ireland Land Act, 1929 (19 & 20 Geo. 5, c. 14).

Short title
and con-
struction.

5. This Act may be cited as the Northern Ireland (Miscellaneous Provisions) Act, 1928, and, save as otherwise expressly provided, shall be construed as one with the principal Act.^[1]

[1] "the principal Act." 10 and 11 Geo. 5, c. 67—see s. 1 above.

2. The Northern Ireland (Miscellaneous Provisions) Act, 1932.

22 GEO. 5, CH. 11.

An Act to make miscellaneous amendments in the law applicable to Northern Ireland.

[17th March, 1932.]

Provisions
as to the
Supreme
Court.
10 & 11
Geo. 5, c. 67.

1.—(1) The reservation in section forty-seven of the Government of Ireland Act, 1920 (in this Act referred to as "the principal Act"), of matters relating to the Supreme Court of Northern Ireland shall not be construed as precluding the Parliament of Northern Ireland from enacting, for the purposes of a branch of the law the general subject-matter of which is within the powers of that Parliament, provisions conferring jurisdiction on the Supreme Court, the High Court, or a court of assize.^[1]

4 & 5
Geo. 5, c. 58.

(2) If the Parliament of Northern Ireland make provision for amending section ten of the Criminal Justice Administration Act, 1914 (which relates to the sending of youthful delinquents to Borstal institutions), by conferring the like jurisdiction on courts of

assize as is thereby conferred on courts of quarter sessions, that Parliament may make such consequential amendments in section nineteen of the Criminal Appeal (Northern Ireland) Act, 1930, as may be necessary to provide an appeal from a sentence of detention in a Borstal institution pronounced by a court of assize by virtue of the said amendment.^[2]

Sect. 1

20 & 21
Geo. 5, c. 45.

[¹] This enactment makes further provision as to points of difficulty arising upon the use in s. 47 of the principal Act of the words, "all matters relating to the Supreme Court." S. 1 of the Act of 1928 (p. 244 above) did not answer the question whether, notwithstanding the reservation, the Parliament of Northern Ireland could validly designate a particular court or division, within the ambit of the Supreme Court, for the exercise of jurisdiction under a law made by that Parliament "for the peace, order, and good government" of Northern Ireland. The 1928 enactment, it is true, authorised the local legislature to empower the rule-making authority to designate a court for the exercise of jurisdiction. But this arrangement fell short of finality; it made no provision with respect to appeals from one division within the Supreme Court to another, and it did not authorise the legislature to pass amendments of criminal law touching the courts of assize (see sub-section (2) of this section), those courts being part of the High Court by virtue of s. 21 of 40 & 41 Vict., c. 57. The present sub-section makes these further provisions. It mentions the Supreme Court, as well as the two courts within it, and therefore the system of designation by Rule of Court under s. 1 of the Act of 1928 may be continued where necessary.

[²] S. 10 of 4 & 5 Geo. 5, c. 58, as applying in Northern Ireland, is to the following effect:—

10.—(1) Where a person is summarily convicted of any offence for which the court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and—

(a) it appears to the court that the offender is not less than sixteen nor more than twenty-one years of age; and

Sect. 1

(b) it is proved that the offender has previously been convicted of any offence or that, having been previously discharged on probation, he failed to observe a condition of his recognisance; and

(c) it appears to the court that by reason of the offender's criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

it shall be lawful for the court, in lieu of passing sentence, to commit the offender to prison until *the next quarter sessions*,^(a) and the *court of quarter sessions*^(b) shall inquire into the circumstances of the case, and, if it appears to the court that the offender is of such age as aforesaid and that for any such reason as aforesaid it is expedient that the offender should be subject to such detention as aforesaid, shall pass such sentence of detention in a Borstal institution as is authorised by Part I of the Prevention of Crime Act, 1908, as amended by this Act; otherwise the court shall deal with the case in any way in which the court of summary jurisdiction might have dealt with it.

(2) A court of summary jurisdiction or *court of quarter sessions*,^(b) before dealing with any case under this section, shall consider any report or representations which may be made to it by or on behalf of the Ministry of Home Affairs as to the suitability of the offender for such detention as aforesaid, and a court of summary jurisdiction shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made.

(3) Where a person is committed to prison under this section his treatment shall, so far as practicable, be similar to that in Borstal institutions, or he may, if the Governor of Northern Ireland so directs, be transferred to a Borstal institution.

[(4) and (5). Do not apply in Northern Ireland; (6) rep. S.L.R.]

The Criminal Appeal (Northern Ireland) Act, 1930 (20

& 21 Geo. 5, c. 45), applies in the case of a person **Sect. 2** sentenced to detention in a Borstal institution under the above section, so as to give such person, with the leave of the Court of Criminal Appeal, an appeal against sentence (ss. 2 and 19 (4)).

As respects England, s. 10 of 4 & 5 Geo. 5, c. 58, has been amended by s. 46 (1) of the Criminal Justice Act, 1925 (15 & 16 Geo. 5, c. 86), which substitutes the words, "the next assizes or quarter sessions, whichever appears to the court to be more convenient," for the italicised words marked ^(a) above; and the words, "court of assize or quarter sessions, as the case may be," for the italicised words marked ^(b) above. The English enactment also had the effect of making a consequential extension in the provisions of 7 Edw. 7, c. 23, s. 3 (as to appeals to the Court of Criminal Appeal against sentences) which had been applied by s. 10 (5) of 4 & 5 Geo. 5, c. 58.

Under sub-section (1) of the section of the 1932 Act to which this note relates, the way is clear for the Parliament of Northern Ireland to legislate so as to introduce the court of assize as the sentencing court, following the English enactment of 1925. Upon the reasonable supposition that this will be done, sub-section (2) of the same section enables the Parliament to make the like extension in the jurisdiction of the Court of Criminal Appeal in Northern Ireland as was made for the English court in 1925.

2. Probate and letters of administration granted by the High Court in England shall not be resealed in the High Court in Northern Ireland under section ninety-four of the Probates and Letters of Administration Act (Ireland), 1857, as amended by or under any enactment, unless the person to whose estate the probate or letters of administration relate died domiciled in England.

Amendment
as to
resealing in
Northern
Ireland of
English
probate
grants.
20 & 21
Vict., c. 79.

S. 94 of the Act of 1857 made provision for the resealing of English grants of probate and letters of administration in Ireland, and s. 95 for the resealing of Irish grants in England, and these enactments were adapted for Northern Ireland by S. R. & O. 1923, No. 613, in Chapter VIII below. By s. 169 of the Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. 5, c. 49), the provisions as to resealing of Northern Ireland grants in

Sect. 2

England were reproduced. An amendment was made by s. 10 of the Administration of Justice Act, 1928 (18 & 19 Geo. 5, c. 26), which restricted the sealing of grants by the principal probate registry in England to grants in respect of the personal estate of a person who died domiciled in Northern Ireland. As between Northern Ireland and Scotland, resealing or certification takes place only as respects grants or confirmations issued by the court of the domicile of the deceased—see the Confirmation of Executors (Scotland) Act, 1858 (21 & 22 Vict., c. 56), ss. 9, 12, 14, 17; the Sheriff Courts (Scotland) Act, 1876 (39 & 40 Vict., c. 70), ss. 41, 42, 43; and S. R. & O. 1923, No. 613.

The section set out above establishes the same principle of domicile for the resealing of English grants in Northern Ireland—a matter not exclusively relating to Northern Ireland, and thus outside the powers of the local legislature.

Provisions
as to con-
solidation.

3. For the purpose of the consolidation of a branch of the statute law the general subject-matter of which is within the powers of the Parliament of Northern Ireland, that Parliament may, notwithstanding anything in sub-section (1) of section six of the principal Act, repeal and re-enact any enactments of the Parliament of the United Kingdom which form a part of that branch of the statute law and which have been passed after the appointed day.

S. 2(3) of the Northern Ireland (Miscellaneous Provisions) Act, 1928 (see p. 247 above), enabled the N.I. Parliament to repeal and re-enact, for consolidation purposes, enactments relating to "reserved" subjects forming a subsidiary part of statutory codes dealing with "transferred" subjects—e.g., appeals to the House of Lords upon workmen's compensation awards. The 1928 provision only dispensed with restrictions contained in s. 4 of the principal Act. It therefore allowed of repeal and re-enactment in the case of statute law in force at the "appointed day," but not in the case of statute law passed by the U.K. Parliament *after the appointed day*, because it did not touch s. 6 of the principal Act, which prevents the N.I. Parliament from repealing any provision of any Act passed by the U.K. Parliament after the appointed day and extending to Northern Ireland.

The section set out above removes this obstacle to consolidation. An exercise of the extended power of legislation is to be found in ss. 17 (2) and 336 of the Companies Act (Northern Ireland), 1932 (22 & 23 Geo. 5, c. 7), which repeal and re-enact ss. 1 (1) and 117 of 18 & 19 Geo. 5, c. 45 (U.K.).

Sect. 4

4.^[1]—(1) If reciprocal arrangements^[2] are in force between Great Britain and Northern Ireland under and for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1931, and the corresponding enactments of the Parliament of Northern Ireland, the National Health Insurance Joint Committee^[3] constituted under section eighty-eight of the National Health Insurance Act, 1924, on application being made by the Government of Northern Ireland, and with the approval of the Secretary of State, may make reciprocal arrangements to take effect between the Northern Ireland authority^[4] administering the said corresponding enactments and the authority administering a similar pensions' scheme in another country, whereby—

Reciprocal pension arrangements between Northern Ireland and other parts of His Majesty's Dominions. 14 & 15 Geo. 5, c. 38.

- (a) periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country;
- (b) pensions payable by one country shall be payable to persons whilst resident in the other country; and
- (c) financial adjustments may be made between one country and the other country.

(2) For the purposes of this section the expression "country" means, on the one hand, Northern Ireland, and on the other hand, any country other than Northern Ireland, with which reciprocal arrangements^[5]

Sect. 4

15 & 16

Geo. 5, c. 70.

made under section thirty-three of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, are in force, and the expression "similar pensions' scheme" means a scheme established in any such country other than Northern Ireland, and being the subject of the last-mentioned reciprocal arrangements.

[¹] The object of this section could not have been achieved by the N.I. Parliament, because s. 4 (4) of the Government of Ireland Act, 1920, withholds from them the power to make laws in respect of "relations with other parts of His Majesty's Dominions."

[²] "reciprocal arrangements" are in force under s. 33 of 15 & 16 Geo. 5, c. 70 (U.K.), and s. 33 of 15 & 16 Geo. 5, c. 23 (N.I.).

[³] "the National Health Insurance Joint Committee" consists of the Minister of Health (who is chairman), the Secretary of State for Scotland, and the Minister of Labour for Northern Ireland, together with one other person appointed by the Minister of Health, having special knowledge and experience of national health insurance in Wales. Under s. 88 (4) of the 1924 Act this committee can make financial adjustments between the several funds applicable to England and Wales, Scotland, and Northern Ireland, and be empowered to act for purposes of co-ordination in these several countries. The same committee can exercise similar powers under the Contributory Pensions Acts as respects Great Britain (15 & 16 Geo. 5, c. 70, s. 32) and Northern Ireland (15 & 16 Geo. 5, c. 23, s. 32).

[⁴] "the Northern Ireland authority." The Ministry of Labour, acting in certain matters subject to the consent of the Ministry of Finance, administers the "corresponding enactments," viz., the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 to 1931.

[⁵] The "reciprocal arrangements" here referred to are those which may exist between Great Britain and a country other than Northern Ireland. Therefore the Joint Committee's power under this section is limited to making arrangements between Northern Ireland and a country

in reciprocity with Great Britain. Reciprocity between G.B. and N.I. is a condition precedent to the operation of the section, by virtue of its opening words. **Sect. 6**

5. It shall be lawful for a judge of the Supreme Court of Judicature of Northern Ireland to hold the office of Land Purchase Commissioner for Northern Ireland, but he shall not receive any remuneration in respect of that office.

Provision as to office of Land Purchase Commissioner.

As to the Land Purchase Commission, see S. R. & O. 1923, No. 615 (Arts. 3 and 5), and 1927, Nos. 595 and 1061, in Chapter VIII below. Apart from this section the Commissioner for exercising and performing the powers and duties of "the Judicial Commissioner" must have possessed legal qualifications, but could not have been a Supreme Court Judge, though a Supreme Court Judge could act in an emergency. The Hon. Mr. Justice R. D. Megaw, Judge of the High Court, Chancery Division, was appointed a Land Purchase Commissioner under this section.

6.—(1) Notwithstanding any restrictions imposed by the principal Act on the power of the Parliament of Northern Ireland to make laws, that Parliament may, with the consent of the Treasury,

Provisions as to priority in bankruptcy, etc., of Crown debts and certain debts due to Trustee Savings Banks.

(1) regulate and restrict the priority which is to be given to Crown debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent; and

(2) determine the priority, if any, to be given in the distribution of such property as aforesaid to the debts mentioned in section fourteen of the Trustee Savings Banks Act, 1863.^[1]

26 & 27 Vict., c. 87.

(2) For the purposes of this section, the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Treasury has been obtained shall be conclusive evidence of the fact recited.^[2]

[¹] The statute law in force in Northern Ireland before the enactment of this section was in need of amendment in respect of the matters mentioned therein.

Sect. 6

(1) *As to priority of Crown debts in bankruptcy, etc.* The relevant statute was the Preferential Payments in Bankruptcy (Ireland) Act, 1889 (52 & 53 Vict., c. 60), and the following cases were also relevant:—

In re Corley [1889], L.R. Ir. 249.

In re Galvin [1897], 1 I.R. 520.

Food Controller v. Cork [1923], A.C. 647.

In re Moses Orr [1924], 2 I.R. 120.

In re James Lindsay [1926], N.I.L.R. 128.

In *Orr's case* Wilson J referred to *In re Galvin*, and continued as follows: "The judgment of the Lord Chief Baron shows clearly that the provisions of the Bankruptcy Acts giving priority to particular Crown debts do not affect the priority of the Crown for other debts. In this country the original priority continued to exist, as it had never been taken away. The result is certainly most anomalous, as it means that where, in Ireland, a man is made a bankrupt, the whole balance of Crown debts due can be recovered, although in England the Crown would only be entitled to one year's debts, and afterwards to a dividend along with the other creditors."

Lindsay's case showed that it was possible under the law for unemployment insurance arrears beyond the amount allowable as a preferential payment under the Unemployment Insurance Act, 1920, to be recovered as a Crown debt. When the question of assimilating the Northern Ireland law to that of England was brought up, it became evident that the Northern Ireland Parliament could deal only with a part of that law, because in part it concerned "reserved" taxes (*e.g.*, income tax) and such Crown debts as arose upon matters outside the powers of that Parliament.

(2) *As to priority of debts of Trustee Savings Banks.*

In the case of *In re Williams* [1887], 36 Ch.D. 573, it was decided that s. 40 of the Bankruptcy Act, 1883, took away the right to priority in bankruptcy which had been previously enjoyed by trustee savings banks by virtue of s. 14 of the Savings Banks Act, 1863 (26 & 27 Vict., c. 87). The position was remedied, as regards England, by s. 13 of the Savings Banks Act, 1891 (54 & 55 Vict., c. 21). The position in Northern Ireland remained the same as that which was considered in *Williams' case*, because the

Act of 1889 had the same bearing upon the Act of 1863 **Sect. 7** as the Bankruptcy Act, 1883, had. The assimilation of the Northern Ireland law to that of England could not be dealt with by the local Parliament, so far as trustee savings banks were concerned, because those banks are a "reserved matter" under s. 9 (2) (b) of the Act of 1920.

Under the section to which this note relates, amending legislation was brought within the powers of the Northern Ireland Parliament, subject to the consent of the Treasury. This enabled the jurisdictions of the two Parliaments to be "fused," so far as was necessary for the enactment of a comprehensive provision dealing with priority in bankruptcy, etc., both in its "reserved" and in its "transferred" aspects.

[²] As regards these recitals, see note [³] on s. 9 of this Act, p. 273 below.

7. Section seven of the Local Registration of Title (Ireland) Act, 1891,^[1] and paragraph (8) of section forty-four of the Representation of the People Act, 1918 (which provide for certain increases of salary to Clerks of the Crown and Peace),^[2] are hereby repealed:^[3]

Repeal of
s. 7 of
54 & 55 Vict.,
c. 66, and
of para. (8)
of s. 44 of
7 & 8 Geo. 5,
c. 64.

Provided that this repeal shall not affect any Clerk of the Crown and Peace who is an existing officer within the meaning of section fifty-eight of the principal Act.^[4]

[¹] S. 7 of the Act of 1891 provided that there should be paid to each Clerk of the Crown and Peace who might act as a registering authority for local registration of title to land for a county, such increase of salary for additional duties as the Lord Chancellor (afterwards the Lord Chief Justice of N.I.), with the consent of the Treasury, might direct. This sum fell upon moneys voted by the U.K. Parliament, as costs of a reserved service.

[²] S. 44 (8) of the Act of 1918 enabled the salaries of these Clerks to be increased by Order in Council, having regard to their additional duties as registration officers for the register of parliamentary and local government electors. These increases also fell upon U.K. votes.

[³] The repeal of these two enactments was carried out in order to give effect to a different arrangement as regards

Sect. 7

the Clerks of the Crown and Peace other than "existing officers."

Clerks who are "existing officers" for the purposes of the Government of Ireland Act, 1920, continue in office under the special provisions of ss. 54-58 of that Act, and their salaries, etc., fall on votes of the U.K. Parliament. According as these officers severally cease to hold office, new appointments are made by the Governor of Northern Ireland under the County Officers and Courts Act (Northern Ireland), 1925 (15 & 16 Geo. 5, c. 5), with salaries, etc., falling on votes of the N.I. Parliament. The functions of a Clerk of the Crown and Peace under the 1925 Act are such functions attached to that office "as relate to Irish services within the meaning of the Government of Ireland Act, 1920," *i.e.*, transferred services. Thus the functions relating to reserved services would—apart from any other arrangement—have to be provided for by the U.K. Parliament and Government.

The section to which this note refers removes from the U.K. Parliament the responsibility for the payment of certain items of salary, having in view an amendment of the 1925 Act whereby, if a future Clerk of the Crown and Peace becomes liable or is appointed to discharge reserved functions,—*e.g.*, local registration of title or registration of electors—the Ministry of Finance for Northern Ireland, in fixing the amount of his salary under the Act of 1925, will take into consideration the discharge by him of the reserved functions. The incidence of the charges will not be altered, because, instead of being deducted from the amount coming to the N.I. Exchequer from the Northern Ireland share of reserved taxes, they will be directly voted out of that Exchequer by the N.I. Parliament.

[4] "section fifty-eight of the principal Act." See Chapter I, p. 96 above.

Application
of c. 9 of
8 & 4 Geo. 5
to Northern
Ireland.

8. The Herring Fishery (Branding) Act, 1913, shall apply to Northern Ireland, subject to the following modifications:—

- (a) for references to the Ministry of Agriculture and Fisheries there shall be substituted references to the Ministry of Commerce for Northern Ireland:

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- (b) for the reference in sub-section (2) of section one to any place in England or Wales there shall be substituted a reference to any place in Northern Ireland:
- (c) for the reference to the Treasury in sub-section (1) of section five there shall be substituted a reference to the Ministry of Finance for Northern Ireland:
- (d) for the references to summary conviction there shall be substituted references to conviction under the Acts relating to summary jurisdiction in Northern Ireland:
- (e) the following shall be substituted for sub-section (3) of section six:—

“(3) Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal under the Acts relating to summary jurisdiction in Northern Ireland against the conviction or order, and the provisions of those Acts in connection with appeals shall apply accordingly.”

The Herring Fishery (Branding) Act, 1913, provided for the branding of barrels filled with cured herrings in England and Wales. Similar legislation was desired for the herring industry in Northern Ireland (*e.g.*, at Ardglass), but the matter appeared to be in part outside the powers of the N.I. Parliament by reason of s. 4 of the Government of Ireland Act, 1920.

The Act of 1913, as applying in Northern Ireland by virtue of the above section, is to the following effect:—

1. *Power to brand barrels filled with cured herrings.*

- (1) In any place in which this section is in force barrels filled with cured white herrings may be presented to an officer appointed by the Ministry of Commerce for Northern Ireland for the purpose of being branded or otherwise marked with a mark

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denoting the description of the herrings contained therein, and any barrel so presented shall, on payment of the prescribed fee and on compliance with the prescribed conditions, be marked accordingly, if, in the opinion of the officer, after inspection and examination, the construction, capacity, and condition of the barrel and the quality, curing, selection, and packing of the herrings are such as to satisfy the prescribed requirements.

(2) The Ministry of Commerce for Northern Ireland may, by order published in such manner as the said Ministry direct, declare this section to be in force in any place in Northern Ireland if it is shown to the satisfaction of the said Ministry that there is a general desire on the part of the curers of herrings carrying on business in that place that such an order should be made.

The said Ministry shall, at least two months before making any such order, give notice of its intention to make the order in such manner as the said Ministry thinks calculated to give publicity thereto in the locality, and shall consider any objections or representations made to it in the interval.

(3) No barrel or half-barrel shall be branded unless it have a capacity, in the case of a barrel, of twenty-six and two-thirds imperial gallons, or, in the case of a half-barrel, of thirteen and a third imperial gallons.

(4) For the purposes of this Act, the expression "barrel" includes half-barrel when the context permits.

2. Forgery of Brands. (1) If any person forges or counterfeits any mark used for marking barrels under this Act, he shall be liable, on conviction under the Acts relating to summary jurisdiction in Northern Ireland, to a fine not exceeding fifty pounds.

(2) If any person knowingly uses, sells, utters, disposes of, or exposes for sale any barrel (whether filled with herrings or not) with such forged or counterfeit mark thereon, he shall be liable on conviction as aforesaid to a fine not exceeding ten pounds. All barrels with any such forged or counterfeit mark thereon and the contents thereof, shall be liable to be forfeited.

(8) For the purposes of this section, any person who removes a mark from any barrel and inserts the same into another barrel shall be deemed to forge or counterfeit a mark within the meaning of this section. Sect. 8

3. *Penalty on use of old barrels bearing brand.* If any person fraudulently uses any old barrel bearing a mark affixed under this Act for the purpose of packing herrings or other fish therein, he shall be liable on conviction as aforesaid to a fine not exceeding ten pounds, and the barrel and the contents thereof shall be liable to be forfeited.

5. *Regulations.* (1) For the purposes of this Act, the Ministry of Commerce for Northern Ireland may make regulations with respect to any matter which under this Act may be prescribed, subject, as respects fees, to the consent of the Ministry of Finance for Northern Ireland, and for prescribing—

- (a) the manner in which barrels are to be presented for the purpose of being marked;
- (b) the manner in which barrels are to be marked and the nature of the marks;
- (c) the manner in which the inspection and examination of barrels and their contents are to be conducted;

and generally for carrying this Act into effect.

(2) If any person, in any declaration required under such regulations, makes any statement which to his knowledge is false in any material particular, he shall be liable on conviction as aforesaid to a fine not exceeding ten pounds.

6. *Legal proceedings.* (1) All barrels and the contents thereof forfeited under this Act shall be sold or otherwise disposed of as a court of summary jurisdiction may direct.

(2) Where a person is convicted under any section of this Act and the court by which he is convicted is of opinion that the offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any fine, to imprisonment with or without hard labour for a term not exceeding two months.

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(3) Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal under the Acts relating to summary jurisdiction in Northern Ireland against the conviction or order, and the provisions of those Acts in connection with appeals shall apply accordingly.

7. *Short title.* This Act may be cited as the Herring Fishery (Branding) Act, 1913.

Provisions
as to sea
and tidal
waters, the
sea-shore,
etc.

9.—(1) The restrictions contained in section four of the principal Act shall not extend so as to prevent the Parliament of Northern Ireland making laws with respect to—

- (a) the construction, carrying out or alteration of any works on or under or over any part of the shore or bed of the sea whether or not vested in the Crown; or
- (b) the carrying out of dredging operations in the sea; or
- (c) the deposit or removal of materials on or from the shore or bed of the sea whether or not vested in the Crown; or
- (d) ferries across tidal waters in Northern Ireland, if the consent of the Board of Trade and, in a case where any foreshore the management whereof is vested in the Commissioners of Crown Lands is affected, also the consent of those Commissioners, has been obtained.^[1]

(2) The exercise of administrative powers^[2] by the Government of Northern Ireland in connection with any such matters as are mentioned in the last preceding sub-section and in relation to byelaws affecting the shore or bed of the sea shall be subject to the like consents as are specified in that sub-section.

(3) Where under the Landed Estates Court (Ireland) Act, 1858, or any Act amending that Act or under the Land Purchase Acts, an application is made

21 & 22
Vict., c. 72.

for the sale or conveyance of, or for a declaration of title as to, any land in Northern Ireland and the land includes any part of the shore or bed of the sea or any land immediately abutting thereon, or where an application is made to any department of the Government of Northern Ireland for any consent, approval, order, licence, loan or other matter which may, or for any purpose which may, affect the shore or bed of the sea or land immediately abutting thereon, notice of the application shall be given by the court or the department concerned to the Board of Trade and the Commissioners of Crown Lands. **Sect. 9**

(4) For the purposes of this section—

(a) the expression “shore” means the land below the high-water mark of ordinary spring tides, and the expression “sea” includes every arm of the sea and every navigable river up to the point at which it ceases to be tidal; and

(b) the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Board of Trade or of the Commissioners of Crown Lands has been obtained, shall be conclusive evidence of the fact recited.^[3]

(5) Sub-section (2) of section two of the Northern Ireland (Miscellaneous Provisions) Act, 1928, is hereby repealed except with respect to Acts passed or things done before the commencement of this Act.^[4] 18 & 19
Geo. 5, c. 24.

[1] The particular restrictions of s. 4 which might have been held to prevent legislation as to these matters are contained in—

paragraph (1)—“the property of the Crown (including foreshore vested in the Crown)”; and

paragraph (7)—“navigation, including merchant shipping.”

The shore of the sea is defined in sub-section (4) (a) of

Sect. 9

the section to which this note refers, in such a way as to have the same meaning as the word "foreshore," namely, that portion of the realm which lies between the high-water mark of the ordinary tides and low-water mark. At common law the Crown is, *prima facie*, entitled to every part of the foreshore of the realm between these limits. A subject may own foreshore, but his title must, as a rule, be established by evidence of a grant from the Crown. So far, therefore, as foreshore were affected by legislation in respect of the matters mentioned at (a), (b), and (c) of the present sub-section, that legislation might, apart from the sub-section, be outside the power of the Northern Ireland Parliament by reason of para. (1) of s. 4 of the principal Act. The same restriction would apply where *the bed of the sea* (as defined in sub-section 4 (a)) might be affected by legislation in respect of the same matters; because the soil of the sea between the low-water mark and so far out to sea as the territorial sovereignty goes is claimed as the property of the Crown, and the soil of the bed of all channels, creeks, and navigable rivers, bays, and estuaries, as far up as the tide flows, is, *prima facie*, the property of the Crown. A grant made to a subject would be subject to the public right of navigation, and legislation affecting such a grant might thus come within the restriction of para. (7) of s. 4 of the principal Act.

Para. (7) of s. 4 mentions navigation, thus restricting legislation in respect of any of the matters referred to in (a), (b), (c), or (d) of the present sub-section, which might affect the public right of navigation over the foreshore or in other *tidal waters*. This right exists at common law, and is paramount to any right that the Crown or a subject may have, except when such rights are created or allowed by statute. Para. (7) makes some exceptions in favour of the N.I. Parliament—*i.e.*, inland waters, the regulation of harbours, and local health regulations, and these are independent of the present section.

At the time when s. 4 of the principal Act was passed, the practical effect of the above restrictions was not foreseen. But after the Act had come into full operation the powers of the N.I. Parliament were seen to be insufficient for the passing of private Bills authorising the construction of bridges, embankments, piers, or other works on or over

tidal lands—even though clauses were inserted requiring the consent of the Board of Trade or some other Crown department. The difficulty was removed by an arrangement bestowing the necessary legislative power upon the local Parliament, whilst making its exercise conditional upon the giving of the departmental consent. The force of law was given to this arrangement by s. 2 (2) of the Northern Ireland (Miscellaneous Provisions) Act, 1928 (see note [4] below), which the present section repeals and reproduces in an amended form. The only important addition thereby made to the 1928 enactment is the reference to “ferries across tidal waters.” Sect. 9

[2] “The exercise of administrative powers” is, under the principal Act, subject to the same restrictions as the legislative powers. See s. 8 in Chapter I above, which bestows executive power “as respects Irish services”; that is, all public services in connection with the administration of civil government in Northern Ireland, *except* the administration of matters outside the legislative powers of the local Parliament.

[3] As regards these recitals, the Legislative Procedure Act (N.I.), 1933, makes provision as follows:—

“1.—(1) Where the clerk of the Parliaments of Northern Ireland certifies that for the purposes of section six or section nine of the Northern Ireland (Miscellaneous Provisions) Act, 1932, the consent of the Treasury, the Board of Trade or the Commissioners of Crown Lands has been obtained to any Bill or to any provision in a Bill of the Parliament of Northern Ireland, there shall be a recital in the preamble of the Bill that the said consent has been obtained.

(2) The words of a recital to which this Act applies may appear in the preamble of a Bill as introduced, or be inserted in the preamble or amended at any stage of a Bill, in either House of Parliament, but those words shall not form part of the Bill until the appropriate certificate of the clerk of the Parliaments of Northern Ireland has been given under sub-section (1) of this section.

(3) Any alteration in the preamble of a Bill which may be necessary to give effect to this Act shall not be deemed to be an amendment of the Bill.”

Sect. 9

[⁴] The repealed enactment was as follows:—

“(2) The said restrictions [*i.e.*, the restrictions contained in s. 4 of the principal Act] shall not extend, and shall be deemed never to have extended, so as to prevent the Parliament of Northern Ireland making laws with respect to the construction, carrying out, or alteration of any works on or under or over any part of the seashore whether or not vested in the Crown, or the carrying out of dredging operations, or the deposit or removal of materials on or from any such seashore, if the consent of the Board of Trade (and, where the seashore comprises foreshore the management whereof is vested in the Commissioners of Crown Lands, also the consent of those Commissioners) has been obtained; and the recital in an Act passed by that Parliament that any such consent has been obtained shall be sufficient evidence of the fact recited unless the contrary is proved; and the exercise of administrative powers by the Government of Northern Ireland in connection with such matters as aforesaid and in relation to byelaws affecting the foreshore shall be subject to the like consent.

In the case of an Act passed by the Parliament of Northern Ireland before the passing of this Act, the consent of the Board of Trade or Commissioners of Crown Lands may be obtained after the passing of this Act, and may be signified by an order of the said Board or Commissioners.

21 & 22
Vict., c. 72.

Where, under the Landed Estates Court (Ireland) Act, 1858, or any Act amending that Act, or under the Land Purchase Acts, an application is made for the sale or conveyance of or for a declaration of title as to any land in Northern Ireland, and the land includes any part of the foreshore or land immediately abutting thereon, or where an application is made to any department of the Government of Northern Ireland, for any consent, approval, order, licence, loan or other matter which may, or for any purpose which may, affect the foreshore, or land immediately abutting thereon, notice of the application shall be given by the court or the department concerned, to the Board of Trade and the Commissioners of Crown Lands.”

Sect. 10

It will be noted that the principle of the 1928 enactment is the same as that of the section passed in 1932. The later section added the reference to ferries in tidal waters; it made a consent recited in an Act of the N.I. Parliament conclusive evidence instead of *prima facie* evidence; and it amplified the references to the seashore, etc. The 1928 enactment enabled consent to be given by order in the case of existing statutes. This power was exercised by the Board of Trade in an order of 28th November, 1928, applying to the following local statutes: 12 & 13 Geo. 5, c. ii; 13 & 14 Geo. 5, c. iv; 14 & 15 Geo. 5, c. iv and c. v; 17 & 18 Geo. 5, c. iii and c. iv. Acts in which the consent of the Board of Trade under the 1928 enactment was recited are—Drainage Act (Northern Ireland), 1929 (20 Geo. 5, c. 20); and the local Acts, 20 Geo. 5, c. iii and c. iv; 20 & 21 Geo. 5, c. ii; 21 & 22 Geo. 5, c. iv. These proceedings are excepted from the repeal of the sub-section. No consents were given by the Commissioners of Crown Lands prior to the passing of the Act of 1932.

10. This Act may be cited as the Northern Ireland Short title.
(Miscellaneous Provisions) Act, 1932.

CHAPTER VI

CONSTITUTIONAL ARRANGEMENTS MADE BY THE NORTHERN IRELAND PARLIAMENT AND GOVERNMENT

A.D. 1921

Notifications by the Lord Lieutenant.

ON 7th June, 1921, the Lord Lieutenant established the departments of the Government of Northern Ireland, appointed a Minister as the head of each department, and assigned to each department its functions. These proceedings derived their authority from s. 8 (3) and (4) of the Act of 1920 (p. 16 above), and were published on the same day in the first number of the Belfast Gazette, "for general information," as follows:—

(No. 1.) Establishment of Departments and Appointment of Ministers of Northern Ireland.

It is notified that His Excellency the Lord Lieutenant has been pleased, under the provisions of section eight of the Government of Ireland Act, 1920, to establish the departments of the Government of Northern Ireland described in the first column of the schedule hereto for the exercise, as respects Irish services,^[1] in Northern Ireland of any prerogative or other executive power of His Majesty, the exercise of which is delegated^[2] to the Lord Lieutenant by His Majesty, and also to determine that those departments shall be the

departments, the heads whereof for the time being shall, **A.D. 1921** subject to the provisions of the said Act, be Ministers of Northern Ireland under the respective titles set out in the second column of the said schedule opposite to the descriptions of the respective departments, and also to appoint the persons named in the third column of the said schedule to be, during the Lord Lieutenant's pleasure, the heads of the respective departments opposite to the descriptions of which their names respectively appear.

[¹] "Irish services." For the definition of these, see s. 8 (8) of the Act of 1920, p. 17 above. The notifications deal only with transferred matters. They may be taken as having been the first official act done by the Crown Representative on the advice of Northern Ireland Ministers.

[²] "delegated." For this delegation see Part I of this work, p. 35.

SCHEDULE.

Description of Department.	Title of Minister.	Name of Minister.
Department of the Prime Minister of Northern Ireland.	Prime Minister of Northern Ireland.	The Rt. Hon. Sir James Craig, Bart., M.P.[¹]
Ministry of Finance for Northern Ireland.	Minister of Finance for Northern Ireland.	The Rt. Hon. Hugh MacDowell Pollock, M.P.[²]
Ministry of Home Affairs for Northern Ireland.	Minister of Home Affairs for Northern Ireland.	The Rt. Hon. Sir Richard Dawson Bates, M.P.[²]
Ministry of Labour for Northern Ireland.	Minister of Labour for Northern Ireland.	The Rt. Hon. John Miller Andrews, M.P.[²]
Ministry of Education for Northern Ireland.	Minister of Education for Northern Ireland.	The Rt. Hon. The Marquess of Londonderry, K.G.[³]
Ministry of Agriculture for Northern Ireland.	Minister of Agriculture for Northern Ireland.	The Rt. Hon. Edward Mervyn Archdale.[⁴]
Ministry of Commerce for Northern Ireland.	Minister of Commerce for Northern Ireland.	

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[1] Cr. Viscount Craigavon, 1928; continues in office (1933).

[2] Continues in office (1933).

[3] Resigned office in January, 1926; succeeded by the Viscount Charlemont.

[4] Cr. a Baronet, 1928; resigned office of Minister of Commerce in April, 1925; succeeded in that office by Mr. J. Milne Barbour, M.P. Continues in office as Minister of Agriculture (1933). See also p. 285 below.

(No. 2.) Assignment of Functions to Departments.

It is notified that His Excellency the Lord Lieutenant has been pleased to direct that until further notice, and without prejudice to the powers and duties of existing departments and authorities pending the transfer of services,^[1] the functions of the departments of the Government of Northern Ireland shall be generally as follows:—

1. The Department of the Prime Minister of Northern Ireland will be the channel of communication between His Excellency the Lord Lieutenant^[2] and the Executive Committee of Northern Ireland, between that Committee and the departments of the Government of Northern Ireland, [and between the Government of Northern Ireland and the Council of Ireland,]^[3] and will supervise the preparation of minutes for the Executive Committee.

2. (1) The Ministry of Finance for Northern Ireland will administer the financial business of the Government of Northern Ireland, and in relation to that business, and in relation to the Parliamentary business and the Civil Service of the Government of Northern Ireland, will discharge functions corresponding generally to the functions discharged by the Treasury of the Government of the United Kingdom in relation to the financial and Parliamentary business and the Civil Service of that Government.

It will also administer the business of the Govern-

A.D. 1921

ment of Northern Ireland in connection with taxation, and will discharge functions in relation to taxes which the Parliament of Northern Ireland have power to impose, corresponding generally to the functions discharged by the Commissioners of Customs and Excise and the Commissioners of Inland Revenue in relation to taxes imposed by the Parliament of the United Kingdom.

(2) The functions hitherto discharged by the Chief Secretary's Office as respects finance by the Treasury Remembrancer and Deputy Paymaster for Ireland and Superintendent of the Teachers' Pension Office, by the Irish Land Commission, and by the Irish branch of the Stationery Office, will, in so far as they relate to Irish services in Northern Ireland, be transferred to this Ministry.

(3) The Minister of Finance for Northern Ireland will be the Minister responsible for the administration in Northern Ireland of the Irish services hitherto administered by the Paymaster-General, the Development Commissioners, the Commissioners of Public Works in Ireland, the Registrar-General of Births, Deaths and Marriages in Ireland, the Commissioner of Valuation and Boundary Surveyor for Ireland, and the Commissioners of Charitable Donations and Bequests for Ireland respectively.^[4, 5]

3. (1) The Ministry of Home Affairs for Northern Ireland will administer in Northern Ireland Irish services in connection with Law and Justice, Prisons, Reformatory and Industrial Schools, Firearms and Explosives, Roads, Road Transport (excluding railways), Ferries and Bridges, Local Government and Home Affairs generally, excepting such of those services as are assigned to any other Ministry of the Government of Northern Ireland.

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(2) The functions hitherto discharged by any department or division of the Chief Secretary's Office, by the Home Office, or by the Ministry of Transport, in relation to any of the matters aforesaid will, in so far as they relate to Irish services in Northern Ireland, be transferred to this Ministry.

(3) The Minister of Home Affairs for Northern Ireland will be the Minister responsible for the administration in Northern Ireland of the Irish services hitherto administered by the General Prisons' Board for Ireland, the Inspector of Reformatory and Industrial Schools in Ireland, the Registrar of Petty Sessions Clerks for Ireland, the Inspectors of Lunatics in Ireland and the Local Government Board for Ireland respectively.^[4, 6, 7]

4. (1) The Ministry of Labour for Northern Ireland will administer in Northern Ireland Irish services in connection with Trade Disputes, Trade Boards, Labour Exchanges, Factories and Workshops, Workmen's Compensation, National Health Insurance, Unemployment Insurance, and matters relating to Labour and Employment generally, excepting such of those services as are assigned to any other Ministry of the Government of Northern Ireland.

(2) The functions hitherto discharged by the Ministry of Labour, the Board of Trade or the Home Office, in relation to any of the matters aforesaid will, in so far as they relate to Irish services in Northern Ireland, be transferred to this Ministry.

(3) The Minister of Labour for Northern Ireland will be the Minister responsible for the administration in Northern Ireland of the Irish services hitherto administered by the Irish Insurance Commissioners.^[4, 7]

5. (1) The Ministry of Education for Northern Ireland will administer in Northern Ireland Irish services

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in connection with Education, Science and Art, including the Irish services in Northern Ireland in connection with Technical Instruction, Science and Art hitherto administered by the Department of Agriculture and Technical Instruction for Ireland, but not including any services which are assigned to any other Ministry of the Government of Northern Ireland.

(2) The Minister of Education for Northern Ireland will be the Minister responsible for the administration in Northern Ireland of the Irish services hitherto administered by the Commissioners of National Education in Ireland, the Intermediate Education Board for Ireland, and the Commissioners of Education in Ireland respectively.^[4]

6. (1) The Ministry of Agriculture for Northern Ireland will administer in Northern Ireland Irish services in connection with Agriculture and other Rural Industries, and Agricultural Wages, including the Irish services in Northern Ireland in connection with the matters aforesaid hitherto administered by the Department of Agriculture and Technical Instruction for Ireland, but not including services in connection with Technical Instruction, Science and Art, Fisheries, or the Contagious Diseases of Animals.^[8]

(2) The functions hitherto discharged by the Ministry of Agriculture in relation to the Ordnance Survey will, in so far as they relate to the Ordnance Survey in Northern Ireland, be transferred to this Ministry.

(3) The Minister of Agriculture for Northern Ireland will be the Minister responsible for the administration in Northern Ireland of the Irish services hitherto administered by the Forestry Commissioners.^[4, 8]

7. (1) The Ministry of Commerce for Northern Ireland will administer in Northern Ireland Irish services in connection with Companies (including Assurance

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Companies), Limited Partnerships, Newspaper Proprietors, Money Lenders, Art Unions, Friendly Societies, Gas Works, Water Works, Electricity, Coal and Metalliferous Mines, Canals, Water-ways, Inland Navigation, Boiler Explosions, Registration of Business Names, and commercial matters generally, excepting such of those services as are assigned to any other Ministry of the Government of Northern Ireland.

(2) The functions hitherto discharged by the Board of Trade (including any department or officer thereof) or the Ministry of Transport in relation to any of the matters aforesaid, by the Treasury in relation to Friendly Societies, by the Chief Registrar and the Assistant Registrar for Ireland of Friendly Societies, and by the Commissioners of Inland Revenue in relation to Money Lenders will, in so far as they relate to Irish services in Northern Ireland, be transferred to this Ministry.^[1]

[1] "the transfer of services." This was done by a series of transfers, which included officers employed or engaged in the administration of each service transferred.

See S. R. & O. 1921, Nos. 1696 and 2006 in note on s. 73 of the Act of 1920, set out in Chapter I above; and also Part I of this work, pp. 40-42.

[2] Now the Governor of Northern Ireland.

[3] The Council of Ireland never came into being.

[4] The assignment directed the establishment of a branch department or departments, but this direction was annulled by 12 Geo. 5, c. 6, pp. 287, 288 below.

[5] Additional functions. As to functions in connection with the Irish Sailors' and Soldiers' Land Trust, see notes on s. 3 of 18 Geo. 5, c. 2, sess. 2, at pp. 198-201 above. The Minister of Finance appoints the Government Chemist under s. 2 of 18 & 19 Geo. 5, c. 14 (N.I.).

As to the regulation of the Civil Service of Northern Ireland, see Part I of this work, p. 68.

The Minister of Finance is the Keeper of Public Records—13 & 14 Geo. 5, c. 20 (N.I.).

[6] For functions of the Minister of Home Affairs in connection with the Royal Ulster Constabulary, see 12 & 13 Geo. 5, c. 8 (N.I.), page 315 below. **A.D. 1921**

[7] The administration of non-contributory old age pensions, formerly undertaken in part by the Local Government Board for Ireland, was transferred to the Ministry of Labour by 17 & 18 Geo. 5, c. 22 (N.I.).

[8] For functions of this Ministry in connection with contagious diseases of animals, see 16 & 17 Geo. 5, c. 4 (N.I.), p. 236 above. The same Act gave the services in connection with Fisheries to the Ministry of Commerce.

[9] This Ministry also administers services in connection with—

harbours, docks, and piers—15 & 16 Geo. 5, c. 3 (N.I.);
railways and fisheries—16 & 17 Geo. 5, c. 4 (N.I.), p. 236
above; quarries—17 & 18 Geo. 5, c. 19 (N.I.).

(No. 3.) Appointment of Parliamentary Secretaries and Assistant Parliamentary Secretaries.

By this Notification the Lord Lieutenant announced his appointments to these offices. The offices are set out in the Schedule to 12 Geo. 5, c. 9, below, in connection with the salaries payable therefor out of moneys provided by Parliament. Prior to the passing of 17 & 18 Geo. 5, c. 5, there was a Parliamentary Secretary of the Ministries of Education and Commerce; that Act substituted a Parliamentary Secretary of the Ministry of Education. As to the exemption of the holders of these offices from disqualification for membership of the Senate or House of Commons, see s. 18 (7) of the Act of 1920, and note thereon—Chapter I, p. 38 above.

Appointment of Attorney General for Northern Ireland.

This appointment was first made in the year 1921, but subsequent to the issue of the original Notifications. As to the exemption of the Attorney General from disqualification for membership of the Senate or House

A.D. 1921 of Commons, see s. 18 (7) of the Act of 1920, and note thereon—Chapter I, p. 38 above. For the salary of the office, see 12 Geo. 5, c. 9, below.

The Salaries of Ministerial Offices Act, 1921 [N.I.].

12 GEO. 5, CH. 9.

An Act to regulate the Salaries to be paid to Ministers of Northern Ireland, Parliamentary Secretaries and Assistant Parliamentary Secretaries of Departments of the Government of Northern Ireland, and the Attorney General for Northern Ireland.

[14th December, 1921.]

Amount of
Salaries of
Ministerial
Offices.

1. (1) There shall be paid out of moneys provided by Parliament:—

- (a) in respect of the annual salaries of the offices mentioned in column 1 of the schedule to this Act, sums not exceeding the amounts respectively set forth in column 2 of the said schedule in relation to such offices; and
- (b) in respect of the annual salaries of the persons (other than the Prime Minister) who are members of the Executive Committee of Northern Ireland, a sum not exceeding two thousand five hundred pounds, to be divided equally amongst those persons [or, if any of those persons are not in receipt of salary as such members, then amongst so many of them as are in receipt of salary]^[1]:

Provided always, that no such person shall receive, in his capacity as a member of the said Executive Committee, a greater annual salary than five hundred pounds.

(2) This Act shall be deemed to have had effect as from the seventh day of June, nineteen hundred and twenty-one.

2. This Act may be cited as the Salaries of Ministerial Offices Act, 1921 [N.I.]. **A.D. 1921**

Short title.

SCHEDULE.

(1) Office.	(2) Amount of Annual Salary.
	£
Prime Minister	3,200
Minister of Finance (being head of department)	1,500
Minister of Home Affairs (being head of department)	1,500
Minister of Labour (being head of department)	1,500
Minister of Education (being head of department)	1,500
Minister of [Agriculture (being head of department)] ^[2]	1,500
Parliamentary and Financial Secretary of the Ministry of Finance	1,000
Parliamentary Secretary of the Ministry of Finance	1,000
Parliamentary Secretary of the Ministry of Home Affairs	1,000
Parliamentary Secretary of the Ministry of Labour	1,000
Parliamentary Secretary of the [Ministry of Education] ^[2]	1,000
Parliamentary Secretary of the Department of the Prime Minister	600
Assistant Parliamentary Secretary of the Ministry of Finance	600
Attorney General for Northern Ireland ...	2,500 ^[3]

[¹] Words in brackets added by 17 & 18 Geo. 5, c. 5, s. 1 (2).

[²] Words in brackets substituted by 17 & 18 Geo. 5, c. 5, s. 1 (1).

[³] This amount substituted by 13 & 14 Geo. 5, c. 18, s. 1.

A.D. 1923

The Office of Attorney General Act (Northern Ireland), 1923.

13 & 14 GEO. 5, CH. 18.

An Act to make further provision with respect to the salary of the office of Attorney General for Northern Ireland, and with respect to the execution of the said office. [22nd June, 1923.]

1. (*Salary of the office of Attorney General*, 12 Geo. 5, c. 9.)

Appoint-
ment of
deputy for
Attorney
General.

2. The Governor of Northern Ireland may, if at any time the Attorney General for Northern Ireland is unable to act, appoint a deputy to act as such Attorney General for such period as the said Governor may determine; and, during the continuance of such appointment, references in any enactment to the Attorney General for Northern Ireland shall, in relation to matters which are for the time being within the powers of the Government of Northern Ireland, be construed as references to the deputy so appointed.

Short title.

3. This Act may be cited as the Office of Attorney General Act (Northern Ireland), 1923.

The Ministers (Temporary Exercise of Powers) Act (Northern Ireland), 1924.

14 & 15 GEO. 5, CH. 11.

An Act to make provision for the temporary exercise of the powers of Ministers of Northern Ireland. [29th May, 1924.]

Temporary
exercise
of powers of
Minister.

1. The Governor of Northern Ireland may, if at any time a Minister of Northern Ireland is unable to act, designate any Parliamentary Secretary of the Ministry or Department of which such Minister is the head, or any other Minister of Northern Ireland, to

act for such first-mentioned Minister during such period, and subject to such conditions, as the said Governor may think fit; and, during the said period, and subject as aforesaid, references in any enactment to such first-mentioned Minister shall be construed as references to the Parliamentary Secretary or Minister so designated to act.^[1] **A.D. 1921**

2. This Act may be cited as the Ministers (Temporary Exercise of Powers) Act (Northern Ireland), 1924. Short title.

[¹] For a designation made under this Act, see the Belfast Gazette, 13th June, 1924, pp. 835, 836.

The Ministries of Northern Ireland Act, 1921 (N.I.).

12 GEO. 5, CH. 6.

An Act to provide for the administration of certain public services in Northern Ireland by the Departments established by the Lord Lieutenant, and for purposes connected therewith.

[14th December, 1921.]

1. (1) The branches specified in the schedule to this Act in connection with the Ministries named in that schedule (being branches for the establishment of which provision was made by the direction of the Lord Lieutenant dated the seventh day of June, nineteen hundred and twenty-one), shall not be established, or, if established prior to the commencement of this Act, shall cease to exist, and any Irish service which would pursuant to that direction be administered in Northern Ireland by any such branch shall be administered by the appropriate Ministry, and that direction is hereby altered accordingly.^[1] Adminis-
tration of
public
services.

(2) References in any Irish Transfer Order made under the Government of Ireland Act, 1920, to any 10 & 11
Geo. 5, c. 67.

A.D. 1921

branch of a Department of the Government of Northern Ireland shall cease to have effect.^[2]

(3) The Minister of each Ministry named as aforesaid may distribute the business of his Ministry amongst the various officers thereof in such manner as he thinks fit, and may, if he thinks fit, by Minute to be laid before both Houses of Parliament,^[3] assign any specified powers or duties of that Ministry to such officer, officers or committee as he may appoint to exercise or perform the same, either—

- (a) under the designation of the branch of that Ministry by which such powers or duties would, but for the passing of this Act, have been required by law to be exercised or performed; or
- (b) under any other designation having reference to such powers or duties:

Provided always that, where any powers or duties of a Ministry have been so assigned, their exercise or performance shall remain subject to the direction and control of the Minister, who shall continue to be responsible for the administration of the service in relation to which the powers are exercised or the duties performed.

[¹] See also Part I of this work, p. 39.

The proposed branches were intended to correspond with existing departments, the question of grouping within the new Ministries being regarded as a matter for the new legislature. The branches were as follows:—

Within the Ministry of Finance—Paymaster-General, Development Commissioners, Commissioners of Public Works, Registrar-General of Births, Deaths, and Marriages, Commissioner of Valuation and Boundary Surveyor, Commissioners of Charitable Donations and Bequests;

Within the Ministry of Home Affairs—General Prisons Board, Inspector of Reformatory and Industrial Schools, Registrar of Petty Sessions Clerks, Inspectors of Lunatics, Local Government Board;

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Within the Ministry of Labour—Insurance Commissioners;

Within the Ministry of Education—Commissioners of National Education, Intermediate Education Board, Commissioners for Endowed Schools;

Within the Ministry of Agriculture—Forestry Commissioners.

[2] See especially Art. 4 (1) of the General Adaptation of Enactments (Northern Ireland) Order, 1921, in Chapter VIII below. See also Part I of this work, pp. 55, 56.

[3] “by Minute to be laid before both Houses of Parliament.” By Minutes in pursuance of this sub-section the following appointments have been made:—

By the Minister of Finance—Commissioner of Valuation; Registrar-General of Births, Deaths, and Marriages; Charities Advisory Committee.

By the Minister of Home Affairs—Inspector of Reformatory and Industrial Schools.

By the Minister of Education—Committee for the Training of Teachers.

By the Minister of Commerce—Registrar and Assistant Registrar of Friendly Societies, Business Names, Money-lenders.

2. The following provisions shall have effect with respect to each Ministry named as aforesaid,^[1] that is to say:—

Seal, style, and acts of Ministry.

(1) The Ministry shall be a body corporate with a capacity to acquire and hold land for the purpose of the powers or duties of the Ministry, and shall be styled by the name set forth in the first column of the schedule to this Act, and may sue or be sued by that name.^[2]

(2) The Ministry shall have an official seal, which shall be officially and judicially noticed, and that seal shall be authenticated by the signature of the Minister or of a secretary or assistant secretary of the Ministry.

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- (3) In the execution or performance of its powers or duties the Ministry shall adopt and use the style and seal of the Ministry :

Provided that the Minister may authorise the use of a special designation^[3] by any officer, officers or committee to whom any specified powers or duties have been assigned by him under this Act.

- (4) Subject to the provisions of this Act, any power or duty of the Ministry may be exercised or performed by the Minister or by a secretary or assistant secretary of the Ministry.
- (5) The provisions of this Act with respect to a secretary or assistant secretary of the Ministry shall apply to—
- (a) any officer of the Ministry who is appointed to be secretary or assistant secretary thereof; and
- (b) any parliamentary secretary or assistant parliamentary secretary of the Ministry.^[4]

[¹] "each Ministry named as aforesaid," i.e., the six Ministries of Finance, Home Affairs, Labour, Education, Agriculture, and Commerce. Thus, the department of the Prime Minister, which was established by the Lord Lieutenant, is not a body corporate, nor do the other provisions of this Act apply to that department. As to charge of expenses and salaries of departments upon voted moneys, see 15 & 16 Geo. 5, c. 3, s. 4.

[²] "may sue or be sued." As to the effect of these words, see *Rowland and Mackenzie-Kennedy v. Air Council* and *Mackenzie-Kennedy v. Air Council* [1927], 43 T.L.R., 717 and 733; *Gilleghan v. Minister of Health* [1931], 47 T.L.R., 439.

[³] "a special designation." See note [³] on s. 1 above.

[⁴] Paragraph (a) refers to officers who are civil servants; paragraph (b) to "Ministerial" officers.

3. (1) Every document purporting to be a regulation, order, licence, certificate or other instrument issued by any Ministry named as aforesaid, and to be sealed with the seal of the Ministry authenticated in manner provided by this act, or purporting to be signed by a secretary or assistant secretary of the Ministry or other officer of the Ministry authorised by the Minister in that behalf, shall be received in evidence and be deemed to be such regulation, order, licence, certificate or other instrument without further proof, unless the contrary is shown.

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Evidence
of acts of
Ministry.

(2) A certificate signed by the Minister or by a secretary or assistant secretary of such Ministry that any regulation, order, licence, certificate or other instrument purporting to be made or issued by the Ministry is so made or issued shall be conclusive evidence of the fact so certified.

(3) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to such Ministry in like manner as if—

31 & 32
Vict., c. 37.
45 & 46
Vict., c. 9.

- (a) the Ministry were mentioned in the first column of the schedule to the first-mentioned Act, and the Minister or a secretary or assistant secretary of the Ministry were mentioned in the second column of that schedule;
- (b) the regulations referred to in those Acts included any document issued by the Ministry;
- (c) the term "Government Printer" used in those Acts included any printer purporting to be the printer authorised to print the statutes of the Parliament of Northern Ireland or otherwise to be the Government Printer of Northern Ireland; and
- (d) the term "Gazette" used in those Acts included the Belfast Gazette.^[1]

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[¹]The effect of applying these Acts is to enable *prima facie* evidence of an order, regulation, or other document issued by a Ministry of Northern Ireland to be given in courts of justice and in other legal proceedings in Northern Ireland: (a) by the production of a copy of the Belfast Gazette purporting to contain such document; or (b) by the production of a copy of the document purporting to be printed by the Government Printer of Northern Ireland; or (c) by the production of a copy of, or extract from, the document purporting to be certified to be true by a Secretary or Assistant Secretary of the Ministry. A person who forges such a document, or knowingly tenders a forged document of such a kind in evidence, is guilty of a felony, and liable on conviction to be sentenced to penal servitude—Act of 1868, s. 4; see also Act of 1882, s. 3.

See S. R. & O. 1922, No. 183, Arts. 38 (2) and 39 in Chapter VIII below, for the application of the Documentary Evidence Acts for the purpose of giving evidence, in courts and proceedings outside the jurisdiction of the Northern Ireland Parliament, of documents issued by Northern Ireland Ministries.

Commence-
ment
and effect
of Act.

4. (1) This Act shall come into operation on the passing thereof, but without prejudice to the administration of any service until that service has been transferred to the Government of Northern Ireland.^[1]

(2) Any matter or thing which would at the passing of this Act have been subject to any enactments contained therein, if the provisions of the Government of Ireland Act, 1920, had then come into operation with respect to such matter or thing, shall, as from the appointed day for the coming into operation of those provisions, be subject to such enactments, and this Act shall thereupon have effect accordingly.^[2]

[¹]At the date of the passing of the Act various Irish services were, as respects Northern Ireland, still under the administration of the United Kingdom Government—see note on s. 73 of the Act of 1920, set out in Chapter I above, as to days appointed for transfer.

[²]The effect of this sub-section was to bring services transferred after the passing of the Act within its scope, without the necessity for any further enactment. **A.D. 1921**

5. This Act may be cited as the Ministries of Northern Ireland Act, 1921 [N.I.]. **Short title.**

SCHEDULE.

(The effect of the schedule has already been stated—see note [¹] on s. 1, p. 288 above.)

The Superannuation Act, 1921 [N.I.].

12 GEO. 5, CH. 3.

An Act for the application of the Superannuation Acts, 1834 to 1914, to Officers of the Government and Parliament of Northern Ireland, and for purposes connected therewith. [4th October, 1921.] [¹]

1. (1) The provisions of the Superannuation Acts shall, subject as in this Act provided, apply to the civil service of Northern Ireland in like manner as they apply to the civil service of the United Kingdom, and the expression "civil servant," where used in this Act and in the Superannuation Acts as thereby applied, shall mean a person (other than a transferred Irish officer) who has served in an established capacity in the permanent civil service of Northern Ireland.

Application of Superannuation Acts to Civil Service of Northern Ireland.

(2) In the Superannuation Acts, as applied to the Civil Service of Northern Ireland, the following modifications shall have effect, that is to say—

- (a) The Lord Lieutenant^[2] shall be substituted for His Majesty.
- (b) The Ministry of Finance shall be substituted for the Treasury.

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- (c) References to Parliament and to each, either or both of the Houses of Parliament shall be construed respectively as references to the Parliament of Northern Ireland, and to each, either or both of the Houses of that Parliament.
- (d) References to the Consolidated Fund of the United Kingdom shall be construed as references to the Consolidated Fund of Northern Ireland.
- (e) References to the Civil Service Commissioners shall, if and when any Commissioners, department or officers are appointed to perform, in relation to the Civil Service of Northern Ireland, functions corresponding to the functions performed by the Civil Service Commissioners in relation to the Civil Service of the United Kingdom, be construed as references to such Commissioners, department or officers.^[3]

[¹] For detailed amendments of this Act, see 12 & 13 Geo. 5, c. 2; 13 & 14 Geo. 5, c. 28; 15 & 16 Geo. 5, c. 28.

[²] Now the Governor of Northern Ireland.

[³] Civil Service Commissioners for Northern Ireland have been appointed—see below, p. 296.

Section 2. (*Specially appointed officers.*)

Application
of Act to
officers
of the
Parliament.

3. The provisions of this Act shall apply to any officer of the Parliament of Northern Ireland whom the Ministry of Finance may specify as holding office by a like tenure and upon like terms and conditions as a civil servant.

Definitions.

4. In this Act, unless the context otherwise requires—

The expression "Superannuation Acts" means the Superannuation Acts, 1834 to 1914^[1]:

The expression "Civil Service of Northern Ireland" means the Civil Service established in connection with

the Government of Northern Ireland or any department thereof^[2]: **A.D. 1921**

The expression "Civil Service of the United Kingdom" means the Civil Service of the State within the meaning of the Superannuation Acts:

The expression "transferred Irish officer" means an Irish officer who, under the provisions of the Government of Ireland Act, 1920, becomes an officer of the Government of Northern Ireland or is allocated to that Government. 10 & 11
Geo. 5, c. 67.

[¹] For these Acts, see 4 & 5 Will. 4, c. 24; 22 Vict., c. 26; 50 & 51 Vict., c. 67; 9 Edw. 7, c. 10; 4 & 5 Geo. 5, c. 86; 9 & 10 Geo. 5, c. 67.

[²] The Civil Service of Northern Ireland has, in general, been organised on the lines followed in the Imperial Civil Service. It was staffed at its inception by the transfer of civil servants employed in Imperial departments, and this nucleus was supplemented by candidates recruited in Northern Ireland. For arrangements made under the Superannuation Act, 1892, see p. 219 above.

5. (1) Nothing in this Act shall be construed as making provision, by the application of any enactment contained in the Superannuation Acts, with regard to any matter or thing in respect of which the Parliament of Northern Ireland have not power to make laws. Saving for
matters
outside
powers of
Parliament,
or not
transferred.

(2) Any matter or thing which would, at the passing of this Act, have been subject to any enactments contained therein, if a day had then been appointed for any particular purposes or provisions of the Government of Ireland Act, 1920, shall, as from such day as may hereafter be appointed for those purposes and provisions, be subject to such enactments, and this Act shall thereupon have effect accordingly.

6. This Act may be cited as the Superannuation Act, 1921. Short title.

A.D. 1923 *The Civil Service Commission and Regulation of the Service.*

Order of the Governor of Northern Ireland, dated 11th July, 1923, as amended by Order of 18th May, 1927—see also Part I of this work, p. 68.

Now I, James Albert Edward, Duke of Abercorn, Governor of Northern Ireland, hereby order as follows:

1. The [Right Hon. H. M. Pollock, M.P., Minister of Finance; Sir W. B. Spender, K.C.B.; and A. N. Bonaparte Wyse, Esq., C.B.E.]^[1] shall be the Civil Service Commissioners for Northern Ireland (hereinafter called "the Commissioners") for certifying the qualifications of the persons proposed to be permanently appointed to any situation in the Civil Service of the Government of Northern Ireland (hereinafter called "the Civil Service").

2. The Ministry of Finance for Northern Ireland (hereinafter called "the Ministry"), in the discharge of the functions assigned to the Ministry by the direction of the Lord Lieutenant, dated the 7th day of June, 1921,^[2] may make regulations for controlling the conduct of the Civil Service and prescribing the classification, remuneration, and other conditions of service of all persons employed therein, whether permanently or temporarily.^[3]

3. The qualifications of all persons proposed to be appointed to any situation in the Civil Service shall, before those persons are appointed, be approved by the Commissioners, and no person shall be so appointed until a certificate of his qualifications has been issued by the Commissioners:

Provided that—

(a) the foregoing provision shall not apply to any

of the situations specified in the schedule to this Order; and **A.D. 1923**

[(b) It shall not be necessary for any person to whom at any time a certificate of qualification has been issued by the Commissioners or by the Civil Service Commission of the United Kingdom and who holds any situation, being either a situation in respect of which such certificate was issued, or any other situation to which he was duly transferred or promoted from such last-mentioned situation without a certificate of qualification, to obtain a new certificate on being appointed either by transfer or promotion to a situation which, in the opinion of the Commissioners—

- (i) is similar to his existing situation or can ordinarily be filled by way of promotion from that situation; and
- (ii) does not call for the possession of any special qualifications which could not have been acquired in the course of his employment.]^[4]

4. On the application of the permanent head of any Government department the Commissioners may by order, made with the approval of the Ministry, from time to time add any situation to the schedule to this Order or withdraw any situation therefrom.

5. The Commissioners may, subject to the approval of the Ministry, make regulations prescribing the manner in which persons are to be admitted to the Civil Service or to any situation or class of situations therein, and the conditions on which the Commissioners may issue certificates of qualification for the purposes of this Order.^[5]

6. The Commissioners shall publish in the Belfast

A.D. 1921 Gazette notice of all appointments and promotions with respect to which certificates of qualification are issued by them.

7. All orders and regulations made under this Order, whether by the Commissioners or by the Ministry, shall be published in the Belfast Gazette.

SCHEDULE.

1. All situations to which the holder is appointed directly by the Governor of Northern Ireland on behalf of His Majesty.

2. All situations filled by the appointment or transfer of classes of persons by or in pursuance of any Act of Parliament.

3. All unestablished or temporary situations.^[4]

[¹] Words in brackets give the names of the present Civil Service Commissioners (1933).

[²] See p. 278 above.

[³] See Belfast Gazette, 4th June, 1926, 28th September, 1928.

[⁴] Words in brackets substituted by the Order of 18th May, 1927.

[⁵] See Belfast Gazette, 6th May, 1927.

The Exchequer and Audit Act, 1921 [N.I.].

12 GEO. 5, CH. 2.

An Act to amend the law applicable to the Exchequer and Consolidated Fund of Northern Ireland, and to make provision with respect to the Audit of the Accounts of that Fund, the Receipt, Custody, and Issue of Public Moneys, and the Powers, Duties, Tenure of Office and Salary of the Comptroller and Auditor-General for Northern Ireland.^[1] [4th October, 1921.]

1. The gross revenues of every department^[2] shall, after deduction of repayments and discounts, be paid at the prescribed times and under the prescribed regulations to an account to be called "the account of the Exchequer of Northern Ireland," at such bank as may be prescribed for that purpose (in this Act referred to as "the Exchequer Bank"),^[3] and all other public moneys payable to the said Exchequer shall be paid to the same account; and accounts of all such payments shall be rendered to the Comptroller and Auditor-General and to the Ministry of Finance daily in the prescribed form.^[4]

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Payment of gross revenues into Exchequer, and rendering of daily returns.

[1] For the general provisions which this Act amends, see Part I of this work, pp. 44, 45, and s. 20 of the Government of Ireland Act, 1920, Chapter I above, p. 44. The operation of any part of the Exchequer and Audit Departments Act, 1866, as respects Irish services in Northern Ireland, was definitely negatived by 16 & 17 Geo. 5, c. 27 (N.I.), s. 6.

[2] For definition of "department," see s. 29 below.

[3] The Belfast Banking Company was prescribed for this purpose on 5th October, 1921.

[4] "prescribed," *i.e.*, by the Ministry of Finance—see s. 29 below.

2. All moneys paid to the account of the said Exchequer shall be considered as forming, in the books of the Exchequer Bank, one general fund, being the Consolidated Fund of Northern Ireland; and all orders directed by the Ministry of Finance to the Exchequer Bank for issues out of credits to be granted by the Comptroller and Auditor-General, as hereinafter provided, for the public service, shall be satisfied out of the Consolidated Fund; and with a view to economise the public balances, the Ministry of Finance shall restrict the sums to be issued or transferred from time to time to the credit of accounts of principal accountants^[1] at any prescribed bank, as hereinafter provided,

Formation of one general fund in Bank applicable to Exchequer issues.

A.D. 1921

to such total sums as that Ministry may consider necessary for conducting the current payments for the public service entrusted to such principal accountants; and the said principal accountants may consider the sums so issued or transferred to their accounts as constituting part of their general drawing balance, applicable to the payment of all the services for which they are accountable, but such sums shall be carried in the books of such accountants to the credit of the respective services for which the same may be issued, as specified in such orders:

Provided always, that this enactment shall not be construed to empower the Ministry of Finance or any authority to direct the payment, by any such principal accountant, of expenditure not sanctioned by any Act whereby services are or may be charged on the Consolidated Fund, or by a vote of the House of Commons, or by an Act for the appropriation of the supplies annually granted by Parliament.

[1] For definition of "principal accountants," see s. 29 below.

Preparation
of quarterly
accounts of
receipts into
and issues
out of
Consolidated
Fund.

3. At the close of each of the quarters ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in every year the Ministry of Finance shall prepare an account of the receipts into and issues out of the Consolidated Fund for such quarter, and shall forthwith transmit a copy of that account to the Comptroller and Auditor-General.

Credits for
services
charged on
Consolidated
Fund.

4. The Comptroller and Auditor-General shall grant to the Ministry of Finance from time to time, on requisitions of that Ministry, if satisfied of the correctness thereof, credits on the account of the said Exchequer, for services payable under any Act out of the Consolidated Fund or the growing produce thereof;

and the issues or transfers of moneys required from time to time by the principal accountants to enable them to make the payments entrusted to them shall be made out of such credits on orders issued to the Exchequer Bank, signed by one of the secretaries^[1] of the Ministry of Finance, or in their absence by such officer as that Ministry may from time to time appoint to that duty, and in all such orders the services for which the issues may be authorised shall be set forth. **A.D. 1921**

A daily account of all issues or transfers made from the account of the said Exchequer, in pursuance of such orders, shall be transmitted by the Exchequer Bank to the Comptroller and Auditor-General and to the Ministry of Finance.

[1] "Secretaries" includes an assistant secretary; see s.29.

5. When any sums of money shall have been granted to His Majesty by a resolution of the House of Commons, or by any Act of Parliament, to defray expenses for any specified public services, it shall be lawful for the Lord Lieutenant^[1] on behalf of His Majesty, from time to time, by order countersigned by the Minister of Finance, to authorise and require the Ministry of Finance to issue, out of the credits to be granted to that Ministry on the account of the said Exchequer as hereinafter provided, the sums which may be required from time to time to defray such expenses, not exceeding the amount of the sums so voted or granted.

Order of
Lord
Lieutenant
for issue of
sums
granted for
expenses
of specified
public
services.

[1] Now the Governor of Northern Ireland.

6. When any ways and means shall have been granted by Parliament to make good the supplies granted to His Majesty by a resolution of the House of Commons, or by any Act of Parliament, the Comptroller and Auditor-General shall grant to the Ministry of Finance, on the requisition of that Ministry, a credit

Credits for
ways and
means
granted to
make good
supplies and
issues to
principal
accountants.

A.D. 1921

or credits on the account of the said Exchequer, or on the growing balance thereof, not exceeding in the whole the amount of the ways and means so granted. Out of the credits so granted to the Ministry of Finance issues or transfers shall be made to principal accountants from time to time on orders issued to the said Exchequer Bank, signed by one of the secretaries of that Ministry, or, in their absence, by such officer as that Ministry may from time to time appoint to that duty; and the services or votes on account of which the issues or transfers may be authorised shall be set forth in such orders.

A daily account of all issues or transfers made from the account of the said Exchequer in pursuance of such orders shall be transmitted by the Exchequer Bank to the Comptroller and Auditor-General and to the Ministry of Finance.

Determina-
tion by
Treasury of
accounts
to be deemed
public
accounts.

7. The Ministry of Finance may from time to time prescribe at what banks accountants shall keep the public moneys entrusted to them, and what accounts so opened in the names of public officers or accountants in the books of any bank shall be deemed public accounts; and on the death, resignation, or removal of any such public officers or accountants the balances remaining at the credit of such accounts shall, upon the appointment of their successors, unless otherwise directed by law, vest in and be transferred to the public accounts of such successors at any such bank, and shall not, in the event of the death of any such public officers or accountants, constitute assets of the deceased, or be in any manner subject to the control of their legal representatives.

Consoli-
dation of
public
accounts at
bank.

8. It shall be lawful for the Ministry of Finance, whenever that Ministry shall consider it for the advantage of the public service, to direct that the

accounts of any public officer or department, which **A.D. 1921**
by any Act are required to be kept under separate
heads at any bank, shall be consolidated in such
manner as that Ministry may judge most convenient
for the public service.

9. It shall be lawful for any prescribed bank, at the request of the Ministry of Finance, signified by one of their secretaries, for the public convenience to open and keep accounts of Government stock and annuities in the books of such bank under the official description of any public officer for the time being, without naming him; and the dividends on such stock and annuities may from time to time be received, and the stock and annuities or any part thereof to the credit of such account may from time to time be transferred, by the officer to whom the said official description is for the time being applicable, as if such stock and annuities stood in his own name, and upon the death, resignation, or removal of any such public officer the stock and annuities standing to the credit of any such account, and all dividends thereon, including any dividends not theretofore received, shall become vested in his successor in office, and be receivable and transferable accordingly.

Opening of
accounts of
stock under
official
description
of public
officers;
receipts of
dividends;
and sale of
stock.

Any such public officer in whose official description such Government stock and annuities are standing may, by letter of attorney, authorise such bank or all or any of the cashiers of that bank, to sell and transfer all or any part of the stock or annuities from time to time standing in the books of that bank on such account, and to receive the dividends due and to become due thereon; but no stock or annuities shall be sold or transferred at such bank under the authority of such general letter of attorney, except upon an order in writing, signed by one of the

A.D. 1921 secretaries of the Ministry of Finance, directed to the proper officers of such bank.

Preparation and audit for Parliament of annual accounts of issues for Consolidated Fund Services.

10. The Ministry of Finance shall cause an account to be prepared and transmitted to the Comptroller and Auditor-General for examination on or before the thirtieth day of June in every year, showing the issues made from the Consolidated Fund in the financial year ended on the thirty-first day of March preceding, for services charged directly on the Consolidated Fund; and the Comptroller and Auditor-General shall certify and report upon the same with reference to the Acts of Parliament under the authority of which such issues may have been directed; and such accounts and reports shall be laid before the House of Commons by the Ministry of Finance on or before the thirtieth day of [November]^[1] in every year, if Parliament be then sitting, and if not sitting, then within one week after Parliament shall be next assembled.

[¹] Words in brackets substituted for "September" by 15 & 16 Geo. 5, c. 17 [N.I.], s. 11 (1).

Preparation for Parliament of annual accounts of the appropriation of public moneys.

11. On or before the days respectively specified in the schedule to this Act, accounts of the appropriation of the several supply grants comprised in the Appropriation Act of each year shall be prepared by the several departments, and be transmitted for examination to the Comptroller and Auditor-General and to the Ministry of Finance, and when certified and reported upon they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they may respectively relate. The Appropriation Accounts shall be prepared and rendered to the Comptroller and Auditor-General by the prescribed departments, and the Comptroller and Auditor-General

shall certify and report upon such accounts, and the reports thereon shall be signed by him: **A.D. 1921**

Provided always, and it is the intention of this Act, that the department charged with the expenditure of any vote under the authority of the Ministry of Finance shall be prescribed as the department to prepare the appropriation account thereof.

12. An appropriation account of supply grants shall exhibit on the charge side thereof the sums appropriated by Parliament for the services of the financial year to which the account relates, and on the discharge side thereof the sums which may have actually come in course of payment within the same period. No advance, of the application of which an account may not have been rendered to and allowed by the accounting department, shall be included on the discharge side of the account. Description
of account.

13. The department charged with the duty of preparing the appropriation account of a grant shall, if required to do so by the Comptroller and Auditor-General, transmit to him, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledgers of that department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account: Balance
sheet or
statement
showing
disposition
of balances.

Provided always, that the Comptroller and Auditor-General may, if he thinks fit, require the said department to transmit to him in lieu of such balance sheet a certified statement showing the actual disposition of the balances appearing upon the annual appropriation account on the last day of the period of such account.

A.D. 1921

Appropriation Account to be accompanied by explanatory statement.

14. Every appropriation account, when rendered to the Comptroller and Auditor-General, shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account; and such statement, as well as the appropriation account, shall be signed by the department.

Examination of Appropriation Accounts; method of conducting examination of vouchers.

^[1]**15 and 16.** Every appropriation account shall be examined by the Comptroller and Auditor-General on behalf of the House of Commons, and in the examination of such accounts the Comptroller and Auditor-General shall satisfy himself that the money expended has been applied to the purpose or purposes for which the grants made by Parliament were intended to provide and that the expenditure conforms to the authority which governs it, and he shall also scrutinise the expenditure of all moneys voted by the House of Commons, and the balances on all such accounts.

The Comptroller and Auditor-General, after satisfying himself that the vouchers have been examined and certified as correct by the accounting department, may, in his discretion and having regard to the character of the departmental examination, in any particular case admit the sums so certified without further evidence of payment in support of the charges to which they relate:

Provided that, if the Ministry of Finance desires the vouchers or any of them to be examined in greater detail, the Comptroller and Auditor-General shall take action accordingly.

If at any time the Comptroller and Auditor-General is required by the Ministry of Finance to ascertain whether any expenditure included in any appropria-

tion account is supported by the authority of that **A.D. 1921**
Ministry, he shall examine that expenditure with that object, and shall report to the Ministry of Finance any expenditure which appears upon the examination to have been incurred without such authority, and any such unauthorised expenditure shall, unless sanctioned by the Ministry of Finance, be regarded as not being properly chargeable to a Parliamentary grant, and shall be so reported to the House of Commons.

The Comptroller and Auditor-General shall report to the House of Commons any important change in the extent or character of any examination made by him.

[¹] This section substituted for ss. 15 and 16 by 15 & 16 Geo. 5, c. 17 (N.I.), s. 11 (2). The effect of the substitution is to give a discretion as to the audit of details of an account.

17. If, during the progress of the examination by the Comptroller and Auditor-General hereinbefore directed, any objections should arise to any item to be introduced into the appropriation account of any grant, such objections shall, notwithstanding such account shall not have been rendered to the Comptroller and Auditor-General, be immediately communicated by him to the department concerned, and if the objections shall not be answered to his satisfaction by such department they shall be referred by him to the Ministry of Finance, and that Ministry shall determine in what manner the items in question shall be entered in the annual appropriation account.

Objections
by Comptroller and
Auditor-General.

18. If the Ministry of Finance do not within the time specified in this Act present to the House of Commons any report made by the Comptroller and Auditor-General on any of the appropriation accounts,

Presentation
of reports
to House of
Commons.

A.D. 1921

or on the accounts of issues for Consolidated Fund services, the Comptroller and Auditor-General shall forthwith present such report.

Examination
of accounts
of receipts of
revenue.

19. The accounts of the receipts of revenue by every department and the accounts of every receiver of money which is by law payable into the said Exchequer shall be examined by the Comptroller and Auditor-General on behalf of the House of Commons, in order to ascertain that adequate regulations and procedure have been framed to secure an effective check on the assessment, collection and proper allocation of revenue, and the Comptroller and Auditor-General shall satisfy himself that any such regulations and procedure are being duly carried out.

The Comptroller and Auditor-General shall make such examination as he thinks fit with respect to the correctness of the sums brought to account in respect of such revenue as aforesaid, and shall, together with his report on the appropriation accounts of the departments concerned, present to the House of Commons a report on the result of any such examination.

Examination
of other
cash
accounts.

20. The Comptroller and Auditor-General shall examine, if so required by the Ministry of Finance and in accordance with the prescribed regulations, the accounts of all principal accountants and any other accounts,^[1] whether relating directly to the receipt or expenditure of public funds or not, which the Ministry of Finance may, by minute to be laid before Parliament, direct.

The Comptroller and Auditor-General shall examine any such accounts so required to be examined by him as aforesaid with as little delay as possible, and when the examination of each account has been completed shall sign a certificate to the account recording the

result of his examination, and a copy of the account **A.D. 1921** so certified shall be sent to the accountant.

A list of all accounts so certified shall be submitted by the Comptroller and Auditor-General to the Ministry of Finance not later than the first week in February and the first week in August in every year.

[¹] "any other accounts." For minute under this section, see S.R. & O. (N.I.), 1926, No. 111.

The following accounts are audited by the Comptroller and Auditor-General for Northern Ireland in pursuance of specific enactments:—

Agricultural Development Fund—17 & 18 Geo. 5, c. 10, s. 3.

Capital Fund (No. 2)—14 & 15 Geo. 5, c. 13.

Capital Receipts and Expenditure, Annual Surplus, etc.—13 & 14 Geo. 5, c. 4.

Charitable Donations and Bequests—*By minute* under s. 20 above, as extended by 13 & 14 Geo. 5, c. 4, s. 7.

Educational Endowments—18 & 19 Geo. 5, c. 14, s. 3.
Fines and Fees Fund and Dogs Act Account—C. & A.G. appointed under 21 & 22 Vict., c. 100, and 28 & 29 Vict., c. 50.

Freight Rebates Account—20 Geo. 5, c. 10, Sched.

General Cattle Diseases Fund—16 & 17 Geo. 5, c. 4, s. 10.

Government Loans Fund—15 & 16 Geo. 5, c. 17.

National Health Insurance—14 & 15 Geo. 5, c. 38 (U.K.), ss. 65, 117, 129.

Pensions Accounts—15 & 16 Geo. 5, c. 23, s. 11.

Public Income and Expenditure—13 & 14 Geo. 5, c. 4, s. 1.

Queen's University of Belfast—8 Edw. 7, c. 38 (U.K.).

Road Fund, Northern Ireland—10 & 11 Geo. 5, c. 72 (U.K.).

Teachers' Superannuation Fund—16 & 17 Geo. 5, c. 16.

Unemployment Insurance Fund (Northern Irish)—10 & 11 Geo. 5, c. 30 (U.K.).

21. Stock or store accounts shall be kept in all cases where, in the opinion of the Ministry of Finance, the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, provisions, or stores the property

Examination of stock and store accounts.

A.D. 1921

of His Majesty in any department is of sufficient amount or character to require the keeping of such accounts, and the Comptroller and Auditor-General shall, on behalf of the House of Commons, examine any such accounts so required to be kept, in order to ascertain that adequate regulations have been made for control and stocktaking, and that the regulations are duly enforced and that any requirements of the Ministry of Finance have been complied with.

The Comptroller and Auditor-General may require a special stocktaking to be carried out by any department in the presence of one of his officers if, on his examination of any such account, it appears to him that such stocktaking is necessary, and the department shall thereupon take steps to comply with such requisition.

The Comptroller and Auditor-General shall report to the House of Commons the result of any such examination.^[1]

[1] The following store accounts are kept and examined under this section :—

Ministry of Education—Stranmillis Training Colleges.
Ministry of Finance—Works (supplies, furniture, etc.);
Stamps; Ulster Savings Certificates; Stationery (supplies and publications).

Ministry of Home Affairs—Prisons (equipment, stores, and manufacturing materials); Constabulary (equipment, stores, clothing, transport, etc.); Malone Training School.

Ministry of Labour—Richhill Training Centre.

Ministry of Agriculture—Educational Farms and Hostels; Show Exhibits; Ordnance Survey (maps, etc.); Research Depots (materials and equipment); Forestry Centres (equipment).

Preparation
and examina-
tion of
trading, etc.,
accounts.

22. There shall be prepared in each financial year in the prescribed form statements of account showing the income and expenditure of any manufacturing,

trading or commercial services conducted by any department, together with such balance sheets and statements of profit and loss and particulars of costs as may be prescribed. **A.D. 1921**

All such accounts shall be transmitted to the Comptroller and Auditor-General and presented to Parliament.

All such accounts as aforesaid shall be examined by the Comptroller and Auditor-General on behalf of the House of Commons, and in his examination he shall have regard to any programme of works or manufacture which may have been laid before Parliament, and he shall certify and report on such accounts to the House of Commons.^[1]

[1] This section applies to the following accounts :—

Ministry of Commerce—Ardglass Harbour.

Ministry of Finance—Dredger and Auxiliary Craft.

Ministry of Home Affairs—Malone Training School;

Prison manufactures in each prison.

Ministry of Labour—Richhill Training Centre.

Ministry of Education—Training Colleges.

Ministry of Agriculture—Ulster Dairy School; North-

West Agricultural School; Egg-laying Competitions;

Forestry Schemes.

23. The accounts (other than Appropriation Accounts) which the Comptroller and Auditor-General is required by or under this Act to examine shall be prepared and rendered to him by such departments or (in the case of accounts not relating directly to the receipt or expenditure of public funds) by such persons as may be prescribed, and in accordance with the prescribed regulations.

Preparation
and
rendering of
accounts and
questions
at audit.

If, in the course of any examination of accounts to which this section applies, any question arises between the Comptroller and Auditor-General and the accountant, it shall be referred to the Ministry of Finance, whose decision thereon shall be final.

A.D. 1921

Access to
books
of account.

24. In order that his examination of any accounts may, as far as possible, proceed *pari passu* with the transactions of the several accounting departments, the Comptroller and Auditor-General shall have free access at all convenient times to the books of account and other documents relating to the accounts of such departments, and may require the several departments concerned to furnish him from time to time, or at regular periods, with accounts of the transactions of such departments respectively up to such times or periods.

Form of
accounts.

25. A plan of account books and accounts adapted to the requirements of each service shall be designed under the superintendence of the Ministry of Finance, and each department of the public service shall keep its accounts in the prescribed manner.

Adjustment
of balances
on accounts.

26. Every accountant shall, on the termination of his charge as such accountant, or in the case of a deceased accountant his representatives shall forthwith pay over any balance of public money then due to the public in respect of such charge to the public officer authorised to receive the same; and in all cases in which it shall appear to the Comptroller and Auditor-General that any balance of public money has been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Ministry of Finance, and that Ministry shall take such measures as to that Ministry may seem expedient for recovering the amount of such balance, together with interest upon the whole or part of such balance, for such period of time and at such rate as to that Ministry may appear just and reasonable.

Appeals by
accountants.

27. In all cases in which an accountant is dissatisfied with any disallowance or charge in his accounts

made by the Comptroller and Auditor-General, such accountant shall have a right of appeal to the Ministry of Finance, who, after such further investigation as that Ministry may consider equitable, may make such order, directing the relief of the appellant wholly or in part from the disallowance or charge in question, as shall appear to that Ministry to be just and reasonable, and the Comptroller and Auditor-General shall govern himself accordingly. **A.D. 1921**

^[1] **27a.** It shall be lawful for the Comptroller and Auditor-General, in the examination of any accounts, to admit and allow, in cases where it appears to him to be reasonable and expedient for the public service, vouchers for any moneys expressed therein, although such vouchers are not stamped according to law. **Allowance of unstamped vouchers.**

[¹] This section was inserted by 16 & 17 Geo. 5, c. 27, s. 4. It follows s. 37 of 29 & 30 Vict., c. 39 (U.K.); it was not capable of insertion in the Act of 1921, because stamp duties had not at that time been transferred to the Northern Ireland Parliament.

28. The Comptroller and Auditor-General shall hold his office during good behaviour,^[1] but subject to removal therefrom by the Lord Lieutenant^[2] on an address from both Houses of Parliament; and he shall not be capable of holding his office together with any other office to be held during the pleasure of the Lord Lieutenant,^[2] or in any department. **Tenure of office, salary, and officers of Comptroller and Auditor-General.**

There shall be paid to the Comptroller and Auditor-General a salary of one thousand three hundred and fifty pounds per annum,^[3] and such salary shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and shall, in the case of the first holder of the office of Comptroller and Auditor-General, be payable as from the twelfth day of July, one thousand nine hundred and twenty-one.

A.D. 1921

The Comptroller and Auditor-General may appoint such officers and servants as he may, with the sanction of the Ministry of Finance, determine, and there shall be paid to those officers and servants, out of moneys provided by Parliament, such salaries as that Ministry may determine.

Anything which under this Act is directed to be done by the Comptroller and Auditor-General, other than the certifying and reporting on accounts for the House of Commons, may be done by a principal officer of the Comptroller and Auditor-General authorised for that purpose by the Comptroller and Auditor-General.

[¹] The C. & A. G. is not capable of holding office after he has attained the age of 65 years; his service is to be treated, for Superannuation purposes, as service in an established capacity in the permanent Civil Service of N.I.—16 & 17 Geo. 5, c. 27, s. 5.

[²] Now the Governor of Northern Ireland.

[³] Now £1,200—£100—£1,600. See 20 & 21 Geo. 5, c. 4, s. 4.

Definitions.

29. In this Act, unless the context otherwise requires—

The expression “prescribed” means prescribed by the Ministry of Finance.

The expression “secretaries of the Ministry of Finance” includes an assistant secretary of that Ministry.

The expression “department” means any department of the Government of Northern Ireland, and includes any public officer of such department who may be prescribed for the purpose of performing any duty required by this Act to be performed by a department.

The expression “principal accountants” means accountants who receive issues directly from the account of the said Exchequer.

30. Any matter or thing which would at the passing of this Act have been subject to any enactments contained therein, if a day had then been appointed for any particular purposes or provisions of the Government of Ireland Act, 1920, shall, as from such day as may hereafter be appointed for those purposes and provisions, be subject to such enactments, and this Act shall thereupon have effect accordingly.^[1]

[1] The general transfers of services took place after the passing of this Act.

31. This Act may be cited as the Exchequer and Audit Act, 1921. Short title.

A.D. 1922

Effect of Act in relation to appointed days.

10 & 11
Geo. 5, c. 67.

SCHEDULE.

Section 11.

Dates, after the termination of every financial year to which the accounts relate, on or before which they are to be made up and submitted—

To the Comptroller and Auditor-General by
the Departments 30th September

To the Ministry of Finance by the Comptroller
and Auditor-General.. .. 15th November

To the House of Commons by the Ministry
of Finance 30th November

(If Parliament is then sitting, and if not sitting, then within one week after Parliament next assembles.)

The Constabulary Act (Northern Ireland), 1922.

12 & 13 GEO. 5, CH. 8.

An Act to provide for the establishment, management, and control of the Royal Ulster Constabulary, and to amend the law with respect to the appointment of Resident Magistrates and Special Constables in Northern Ireland, and for purposes connected therewith.

[31st May, 1922.]

A.D. 1922

Establish-
ment of
Royal Ulster
Constabu-
lary.

1.—(f) There shall be established in Northern Ireland, on and after the appointed day,^[1] a police force to be called, with the consent of His Majesty, the Royal Ulster Constabulary.

(2) The general government, direction, and superintendence of the Royal Ulster Constabulary shall be vested in the Inspector-General thereof, and the force shall consist of such and so many officers and constables as are specified in the First Schedule to this Act,^[2] and shall be distributed in the manner set forth in that Schedule.

(3) The enactments relating to the Royal Irish Constabulary, and the management and control of that force, shall, subject as in this Act provided, apply to the Royal Ulster Constabulary, and the management and control thereof, as if enacted in this Act.^[3]

(4) Where any enactment or other provision of law provides for the exercise of any power by, or imposes any duty on, any officer or constable of the Royal Irish Constabulary, that enactment or provision shall, subject as in this Act provided, have effect in Northern Ireland as if the said power were exercisable by, or the said duty were imposed on, the officer or constable, by whatever title designated, of the Royal Ulster Constabulary having corresponding rank and functions, and references in any such enactment or provision to any officer or constable of the Royal Irish Constabulary shall be construed accordingly.^[4]

[1] 1st June, 1922. See note on s. 10 below.

[2] For the First Schedule, as originally enacted, a new schedule was substituted by s. 1 of 18 & 19 Geo. 5, c. 4 (N.I.), and the latter schedule is set out below.

[3] For later legislation of the Northern Ireland Parliament, see 14 & 15 Geo. 5, c. 17, and 18 & 19 Geo. 5, c. 4.

[4] For a similar enactment of the Parliament of the

United Kingdom, see s. 13 (6) of the Finance Act, 1923 **A.D. 1922**
(13 & 14 Geo. 5, c. 14).

2.—(1) The Lord Lieutenant^[1] may appoint and remove each officer and constable of the Royal Ulster Constabulary, but all other powers which, in relation to the Royal Irish Constabulary, were exercisable by the Lord Lieutenant or the Lord Lieutenant in Council, shall, in relation to the Royal Ulster Constabulary, be vested in and exercisable by the Minister;^[2] and in the enactments applied to the Royal Ulster Constabulary and the management and control thereof the Minister shall, except as in this Act provided, be substituted for the Lord Lieutenant or the Lord Lieutenant in Council, as the case requires.

Appointment,
removal,
pay and
pensions of
Constabulary.

(2) The power conferred on the Minister by the Constabulary and Police (Ireland) Act, 1919, as applied and modified by this Act, to make orders as to, and prescribe the rates and scales of, the pay, pensions and allowances of members of the Royal Ulster Constabulary shall extend so as to enable the Minister to provide by any such order for recognising, for the purposes of such pay, pensions and allowances, the rank, period of service or record of any such member in the Royal Irish Constabulary, Special Constabulary, or other police force specified in such order.

9 & 10
Geo. 5, c. 68.

[Sub-section (3) of this section is spent.]

[¹] Now the Governor of Northern Ireland. See 13 Geo. 5, sess. 2, c. 2, s. 1, and First Sched. 1.

[²] The Minister of Home Affairs. See s. 9 below.

3.—(3) The enactments relating to the stationing of any additional or reserve force of the Royal Irish Constabulary in any county or county borough, and to the chargeability of the cost of any such force, shall not apply for the purposes of this Act.^[1]

Free quota
and additional
constabulary
for counties
and
boroughs.

A.D. 1922

[¹] Sub-sections (1) and (2) of this section related, together with a part of s. 4, to the "free quota" and the chargeability upon the county rates of a part of the cost of an additional police force. These enactments were repealed by 18 & 19 Geo. 5, c. 4 (N.I.), which gave an exemption from such charges until Parliament should thereafter determine (except in the case of Belfast county borough, which was to make a contribution for a period of years).

Financial
provisions.

4.—(1) The costs, charges, and expenses incurred in respect of the Royal Ulster Constabulary shall be paid out of moneys provided by Parliament.^[1]

[¹] The proviso to this sub-section was repealed by 18 & 19 Geo. 5, c. 4 (N.I.). See note [¹] on s. 3 (3) above.

(2) The enactments relating to the payment by the councils of the county boroughs of Belfast and Londonderry of sums in respect of the salary of any officer of the Royal Irish Constabulary appointed therefor, or of the cost of any constables of the said constabulary employed therein as night watchmen, shall not apply in relation to the salary of any officer or the cost of any constable of the Royal Ulster Constabulary so appointed or employed.

[Sub-sections (3) and (4) repealed by 18 & 19 Geo. 5, c. 4 (N.I.). See note [¹] on s. 3 (3) above.]

(5) A fund shall be established in accordance with regulations made by the Ministry of Finance for Northern Ireland, and shall be administered in such manner as may be prescribed, for the reward or benefit of members of the Royal Ulster Constabulary, and there shall be paid into that fund the following sums:—

(a) Any fines imposed on any officer or constable of the said constabulary.

[Paragraph (b) repealed by 20 & 21 Geo. 5, c. 18 (N.I.), which provides that certain fines, damages, etc. —formerly payable to this reward fund—are to be

appropriated in aid of the Royal Ulster Constabulary **A.D. 1922**
vote.

Paragraph (c) repealed by 18 & 19 Geo. 5, c. 4 (N.I.).]

(6) The provisions of section thirty-eight of the Constabulary (Ireland) Act, 1836, with respect to the counter-signing of drafts or orders for money drawn by the receiver, shall not apply for the purposes of this Act. 6 & 7 Will. 4,
c. 13.

[*Section 5 spent. For the effect of the section see note [2] on s. 1 of 12 & 13 Geo. 5, c. 55, in Chapter II, p. 186 above.*]

6. A magistrate appointed under the Constabulary (Ireland) Act, 1836, for any county or county of a city in Northern Ireland, who has duly taken the oaths required by law, shall have jurisdiction and authority in every other county and county of a city in Northern Ireland, whether adjoining to his proper county or county of a city or not. Jurisdiction
of resident
magistrates.

7.—(1) In the enactments relating to the Royal Irish Constabulary and the management and control thereof, to the extent to which they are applied by this Act to the Royal Ulster Constabulary, the following modifications shall have effect, that is to say:— Application
of enact-
ments
relating to
the Royal
Irish
Constabu-
lary and
power to
make rules.

(a) Subject to the provisions of this Act, and so far as is consistent with the purposes thereof, the provisions of the General Adaptation of Enactments (Northern Ireland) Order, 1921, and of any other Order in Council made under the Government of Ireland Act, 1920, and effecting adaptations of general application in relation to Northern Ireland shall apply to the said enactments; S. R. & O.
1921,
No. 1804.

10 & 11
Geo. 5, c. 67.

(b) The provisions of this Act shall apply to any order, scheme, rule, regulation or instrument

A.D. 1922

made or issued under any of the said enactments in like manner as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation or instrument shall continue in force, in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under this Act;

- (c) The form of oath contained in the Second Schedule to this Act shall be substituted for the form of oath contained in section seventeen of the Constabulary (Ireland) Act, 1836;
- (d) Until the expiration of a period of twelve months from the passing of this Act, the limit of age specified in section fourteen of the Constabulary (Ireland) Act, 1836, shall not have effect, and after the expiration of such period "thirty-five years" shall be substituted in that section for "forty years";
- (e) References in the Constabulary and Police (Ireland) Act, 1919, to the chief officer shall be construed as references to the Inspector-General of the Royal Ulster Constabulary; the reference in the said Act to the rank of Assistant Inspector-General shall be construed as a reference to the rank of Deputy Inspector-General; and other references in any of the said enactments to an Assistant Inspector-General shall not apply;
- (f) The provisions of Article 4 (3) of the Government of Ireland (Adaptation of Enactments) (No. 1) Order, 1922,^[1] with respect to the powers and duties of the Inspector-General of the Royal Irish Constabulary in relation to the backing of warrants, shall not apply, but

those powers and duties may be exercised and performed by any of the following officers of the Royal Ulster Constabulary, namely, the Inspector-General, the Deputy Inspector-General, a county inspector or a commissioner, and a warrant requiring to be backed for execution may be certified and transmitted to any of those officers; **A.D. 1922**

- (g) Each county inspector or commissioner shall act, in respect of the county, county borough, or other area for which he is appointed, in aid of and under and subject to the direction and control of the Inspector-General or Deputy Inspector-General, as the case requires;
- (h) Notwithstanding anything contained in section two of the Constabulary (Ireland) Act, 1839, any fit person, being a duly qualified medical practitioner of seven years' standing, may be appointed as surgeon or medical officer at the depot of the Royal Ulster Constabulary; **2 & 3 Vict., c. 75.**
- (i) References to Dublin in section five of the Constabulary (Ireland) Act, 1836, and in the Constabulary (Ireland) Act, 1839, shall not apply;
- (j) The provisions of section seven of the Constabulary (Ireland) Act, 1874, shall not apply. **37 & 38 Vict., c. 80.**

(2) The Minister may make all such rules as may appear to him necessary or proper for bringing this Act into full operation, or for adapting any of the provisions of the said enactments in such manner as to bring them into conformity with the provisions of this Act.

[¹] For this Order in Council see Chapter VIII below.

8. The Special Constables Act, 1914, as adapted by Article 5 (3) of the Government of Ireland (Adaptation of Enactments) (No. 1) Order, 1922,^[1] shall have effect **Provisions as to special constables.**

A.D. 1922 in Northern Ireland as extended and amended by the following provisions, that is to say:—

4 & 5 Geo. 5,
c. 61.

(1) The regulations with respect to the appointment and position of special constables under the Special Constables (Ireland) Act, 1832, shall be made by the Minister;

2 & 3 Will. 4,
c. 108.

(2) Special constables may be appointed for such period and to act for such county, county borough, or other area as may be prescribed;

10 & 11
Geo. 5, c. 5.

(3) The said Special Constables Act, 1914, as extended by the War Emergency Laws (Continuance) Act, 1920, shall have effect as if the words “during the present war or a period of twelve months after the termination thereof” were omitted therefrom;

(4) The reference in the said Special Constables Act, 1914, to the Acts relating to the Royal Irish Constabulary shall be construed as a reference to the enactments relating to the Royal Ulster Constabulary.

[*Paragraph (5) spent.*]

[¹] For this Order in Council see Chapter VIII below.

Definitions.

9. In this Act, unless the context otherwise requires: The expression “the Minister” means the Minister of Home Affairs for Northern Ireland;

The expression “officer,” whether used in relation to the Royal Irish Constabulary or in relation to the Royal Ulster Constabulary, includes the Inspector-General, the Deputy Inspector-General, a commissioner or town inspector, a county inspector, a surgeon, a storekeeper and barrackmaster, and a district inspector;

The expression “constable,” whether used in relation to the Royal Irish Constabulary or in relation to the Royal Ulster Constabulary, includes a head constable, sergeant, and constable;

The expression "prescribed" means prescribed by **A.D. 1922** rules made by the Minister, and applying either generally or to any particular case specified therein;

[*Definition of "additional force" repealed by 18 & 19 Geo. 5, c. 4 (N.I.). See note [1] on s. 3 (3) above.*]

10.—(1) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day for the purposes of this Act shall be such day as the Minister may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different provisions of this Act.^[1] Commence-
ment and
short title.

(2) This Act may be cited as the Constabulary Act (Northern Ireland), 1922.

[1] The appointed day for all provisions, except those relating to the jurisdiction of resident magistrates (s. 6) and those relating to special constables (s. 8), was 1st June, 1922; see Belfast Gazette, 2nd June, 1922. For the excepted provisions, 31st August, 1922, was appointed; see Belfast Gazette, 27th October, 1922.

FIRST SCHEDULE.^[1]

Section 1.

A. The general strength of the Force (including officers and constables of all ranks) shall not exceed 3,000, and the Force shall consist of officers and constables of the following ranks, that is to say:—

(1) Officers:

Inspector-General,
Deputy Inspector-General,
Medical Officer,
County Inspector,
Commissioner or Town Inspector for a county borough,
District Inspector.

A.D. 1922

- (2) Constables:
 Head Constable,
 Sergeant,
 Constable.

B. The Force shall be distributed from time to time amongst the counties and county boroughs, and otherwise, in such manner as to the Minister seems fit:

Provided that—

- (a) there shall be a commissioner or town inspector for each of the county boroughs of Belfast and Londonderry, being an officer of such rank in each case as the Minister may decide;
- (b) there shall be a county inspector for each county (other than a county borough), but so that a county inspector may, if the Minister thinks fit, be assigned to two or more counties or to any other area or combination of areas which the Minister considers suitable.

[¹] See note [²] on s. 1 above.

Sect. 7(1)(c).

SECOND SCHEDULE.

FORM OF OATH.

I,.....
 swear by Almighty God that I will well and truly serve our Sovereign Lord the King and His Government of Northern Ireland, in the office of *.....
 without favour or affection, malice or ill-will; that I will to the best of my power cause the Peace to be kept and preserved, and that I will prevent to the best of my power all offences against the same; and that, while I shall continue to hold the said office, I will faithfully, according to law, to the best of my skill and knowledge, discharge all the duties of the said office,

and all such duties as may be attached to such office by law, and that I do not now belong to, and that I will not, while I shall hold the said office, belong to any association, society, or confederacy formed for or engaged in any seditious purpose, or any purpose tending to disturb the public peace, or in any way disloyal to our Sovereign Lord the King or His Government of Northern Ireland, and that I will not, while I shall hold the said office, engage or take part in the furthering of any such purpose, or take or administer, or assist or be present at or consent to the administering of, any oath or engagement binding myself or any other person to engage in any such purpose. A.D. 1924

Sworn before me, one of His Majesty's Justices of the Peace, this.....day of.....19.....

.....J.P.

.....Signature of person appointed.

* Here insert description of office.

The Commissions of the Peace Act (Northern Ireland), 1924.

14 & 15 GEO. 5, CH. 8.

An Act for simplifying the preparation and authentication of Commissions of the Peace, for prescribing the fees to be paid by Justices of the Peace in respect of their appointments, and for other purposes connected therewith. [29th May, 1924.]

1.—(1) All commissions of the peace shall be printed on parchment with blanks to be filled up in writing Form of commissions of the peace.

A.D. 1924

or in print, and shall be in the forms contained in the First Schedule to this Act.

(2) A new commission in one of the forms contained in the First Schedule to this Act shall, as soon as may be after the passing of this Act, be issued to the keeper of the rolls of every county and to the chief officer of every corporation having a commission of the peace.

Every such new commission shall, as from the date on which it is issued, supersede all commissions of the peace issued before that date for the county or borough to which the new commission relates.

(3) The names of the justices in each commission shall be placed in a schedule annexed thereto, and the Clerk of the Crown for Northern Ireland shall from time to time, as occasion requires, add in such schedule the names of justices appointed after the issue of such commission, and delete from such schedule the names of justices who have died and persons who have ceased to hold the office of justice.

(4) A record shall be kept at the office of the Clerk of the Crown for Northern Ireland of all justices of the peace appointed under any commission of the peace hereafter issued in the name of His Majesty.

(5) The Clerk of the Crown for Northern Ireland shall issue to every justice of the peace hereafter appointed a certificate signed by him in the form contained in the Second Schedule to this Act, upon payment by such justice of the fee prescribed under this Act.

Fee in
respect of
appointment
of justice of
the peace.

2.—(1) The Governor of Northern Ireland may make orders prescribing the amount of the fee payable by a justice of the peace in respect of his appointment, and the officers by whom and the manner in which such fee is to be taken; and the fees prescribed by any such order shall be paid into the Exchequer of Northern Ireland.^[1]

A.D. 1924

[¹] See S. R. & O. (N.I.), 1924, No. 56.

Short title.

FIRST SCHEDULE.

1. *Form of County Commission of the Peace.*

George the Fifth by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith to the members of Our Privy Council of Northern Ireland now and for the time being Our Lieutenant and the Keeper of Our Rolls of the peace of Our county of _____ now and for the time being the Lord Chief Justice of Northern Ireland now and for the time being Our Attorney General for Northern Ireland now and for the time being the Lords Justices of Our Court of Appeal in Northern Ireland and the Justices of Our High Court of Justice in Northern Ireland now and for the time being Our Counsel in Northern Ireland learned in the law now and for the time being and the persons named in the schedule hereunto annexed Greeting

Know ye that We have appointed you jointly and severally and every one of you Our justices to keep Our peace in the county of _____ and to keep and cause to be kept all the ordinances and statutes for the good of Our peace and for the conservation of the same and for the quiet rule and government of Our

A.D. 1924

people made in all and singular their articles in Our said county (as well within the liberties as without) according to the force form and effect of the same and to chastise and punish all persons that offend against the form of its ordinances and statutes or any one of them in the aforesaid county as it ought to be done according to the form of those ordinances and statutes and to cause to come before you or any of you of those who to any one or more of Our people concerning their bodies or the firing of their houses have used threats to find sufficient security for the peace or their good behaviour towards Us and Our people and if they shall refuse to find such security then them in Our prisons until they shall find such security to cause to be safely kept We have also assigned you and every two or more of you Our justices to inquire the truth more fully by the oath of good and lawful men of the aforesaid county by whom the truth of the matter shall be the better known of all and all manner of crimes trespasses and all and singular other offences of which the justices of Our peace may or ought lawfully to inquire by whomsoever and after what manner soever in the said county done or perpetrated or it shall happen to be there done or attempted and to inspect all indictments whatsoever so before you or any of you taken or to be taken or before others late of Our justices of the peace in the aforesaid county made or taken and not yet determined and to make and continue processes thereupon against all and singular the persons so indicted or who before you hereafter shall happen to be indicted and to hear and determine all and singular the crimes trespasses and offences aforesaid and all and singular other the premises according to the laws and statutes of Northern Ireland as in the like case it has been accustomed or ought to be done and the same offenders and every of them for their

offences by fines ransoms amerciaments forfeitures and other means as according to the law and custom of Northern Ireland or form of the ordinances or statutes aforesaid it has been accustomed or ought to be done to chastise or punish and to discharge our gaols of all prisoners therein detained and imprisoned for felony **A.D. 1924**

Provided always that if a case of difficulty upon the determination of any of the premises before you or any two or more of you shall happen to arise then let judgment in nowise be given thereon before you or any two or more of you unless in the presence of one of Our justices appointed to hold the assizes in the aforesaid county And therefore We command you and every of you that to keeping the peace ordinances and statutes and all and singular other the premises you diligently apply yourselves and that at certain days and places which you or any such two or more of you (as aforesaid) shall appoint for these purposes into the premises you make inquiries and all and singular the premises hear and determine and perform and fulfil them in the aforesaid form doing therein what to justice appertains according to the law and custom of Northern Ireland and We command by the tenour of these presents Our sheriff of Our county aforesaid that at certain days and places which you or any such two or more of you (as is aforesaid) shall make known to him he cause to come before you or such two or more of you (as is aforesaid) so many and such good and lawful men of his bailiwick (as well within liberties as without) by whom the truth of the matter in the premises shall be the better known and determined We also command the keeper of Our rolls of the peace in Our county aforesaid to bring before you at the days and places aforesaid the writs precepts processes and indictments aforesaid that they may be inspected and by a due course determined as is aforesaid

A.D. 1924

In witness whereof We have caused these Our letters to be made patent

Witness Our Governor (*or Lords Justices as the case requires*) of Northern Ireland at Belfast the day
of in the year
of Our reign.

SCHEDULE.

NAMES OF JUSTICES IN THIS COMMISSION:

2. *Form of Borough Commission of the Peace.*

George the Fifth by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith To the Mayor (*or Lord Mayor as the case requires*) of the borough of now and for the time being and the persons named in the schedule hereunto annexed Greeting Know ye that We have assigned you and every of you jointly and severally Our justices to keep Our peace in and throughout the said borough and to keep and cause to be kept all ordinances and statutes made for the good of Our peace and for the conservation of the same and for the quiet rule and government of Our people in all and every the articles thereof in the said borough according to the form and effect of the same and to chastise and punish all persons that offend against the form of those ordinances or statutes or any one of them in the aforesaid borough as it ought to be done according to the form of those ordinances and statutes and to cause to come before you or any one of you all those who to any one or more of Our people concerning their bodies or the

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A.D. 1924

firing of their houses have used threats to find sufficient security for the peace or their good behaviour towards Us and Our people and if they shall refuse to find such security then them in Our prisons until they shall find such security to cause to be safely kept And therefore We command you that to keeping the peace ordinances statutes and all and singular other the premises you diligently apply yourselves and perform and fulfil the same in the aforesaid form doing therein what to justice appertains according to the law and custom of Northern Ireland

In witness whereof We have caused these Our letters
to be made patent

Witness Our Governor (*or Lords Justices as the case requires*) of Northern Ireland at Belfast the day
of in the
year of Our reign.

SCHEDULE.

NAMES OF JUSTICES IN THIS COMMISSION.

SECOND SCHEDULE.

Form of Certificate of Appointment.

I certify that the _____ of _____
has been appointed to be a Justice of the Peace for
the _____ of _____, and that his
name has accordingly been added to His Majesty's
Commission.

Dated this _____ day of _____

(Signed)

Clerk of the Crown for Northern Ireland.

A.D. 1925

Rules Publication Act (Northern Ireland), 1925.

15 & 16 GEO. 5, CH. 6.

An Act to amend, in its application to Northern Ireland, the Law relating to the Publication of Statutory Rules^[1] and to the Laying of Statutory Rules before Parliament. [9th June, 1925.]

Publication
and sale
of statutory
rules.

1.—(1) All statutory rules made after the passing of this Act shall forthwith after they are made be sent to the officer for the time being appointed to print the Acts of the Parliament of Northern Ireland (in this Act referred to as “the Government Printer”), and shall, in accordance with the provisions contained in the schedule to this Act, and subject to any regulations which may be made under the powers conferred by this Act, be numbered, printed and sold by the Government Printer.

(2) Any statutory rules may, without prejudice to any other mode of citation, be cited by the number given to them in pursuance of sub-section (1) of this section and the calendar year.^[2]

(3) Where any statutory rules are required in pursuance of any Act (whether passed before or after the passing of this Act) to be published or notified in the Belfast Gazette, a notice in that Gazette of the rules having been made, and of the place where copies of them can be purchased, shall be sufficient compliance with the said requirement.

(4) Regulations may be made by the Ministry of Finance for Northern Ireland, with the concurrence of the Lord Chief Justice of Northern Ireland and the Speakers of the Senate and the House of Commons of Northern Ireland, for prescribing any matter required by this Act to be prescribed by regulations and generally for giving full effect to this Act.^[3]

A.D. 1925

(5) Any matter or question which is required to be determined in pursuance of this Act, and any question which arises on the application of any provision of this Act to any exercise of a statutory power or to any statutory rules, shall be referred to the said Ministry of Finance and determined by that Ministry, with the concurrence of the said Lord Chief Justice and Speakers.

[1] The Rules Publication Act, 1893 (56 & 57 Vict., c. 66), is an "existing law in Ireland," and its continuance in Northern Ireland was provided for, in general terms (subject to the powers of the Northern Ireland Parliament to repeal it), by s. 61 of the Government of Ireland Act, 1920—Chapter I, p. 99 above. The Act of 1893 still applies (1933) to the exercise of rule-making powers by United Kingdom authorities as regards Northern Ireland. It was found, however, impossible to place a satisfactory construction upon the Act in its relation to departments of the Northern Ireland Government, and it was therefore superseded by the statute here set forth.

[2] The usual citation is "S. R. & O. (N.I.), 193—, No. —."

[3] See S. R. & O. (N.I.), 1925, No. 123, and 1927, No. 126; and notes on s. 2 (2) and (3) below.

2.—(1) The statutory rules to which this Act applies are those made under any Act (whether passed by the Parliament of Northern Ireland or by the Parliament of the United Kingdom) by a rule-making authority as in this section defined, and relating to any matter in respect of which the Parliament of Northern Ireland has power to make laws.

Rules and
authorities
to which the
Act applies.

(2) Each of the following authorities, so far as such authority has power to make statutory rules, shall be a rule-making authority for the purposes of this Act, that is to say:—

- (a) The Governor of Northern Ireland acting alone, or by and with the advice of the Privy Council of Northern Ireland;

A.D. 1925**12 Geo. 5,
c. 6.**

- (b) The Lord Chief Justice of Northern Ireland acting alone, or together with or with the concurrence of any other authority or person;
- (c) Any Minister or Ministry of Northern Ireland;
- (d) Any officer, officers or committee acting by virtue of a minute made by a Minister under sub-section (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.]^[1];
- (e) The National Health Insurance Joint Committee^[2];
- (f) Any authority (not being a local authority) which has power to make statutory rules relating to—
 - (i) any public service in connection with the administration of civil government; or
 - (ii) the qualification or conduct of members of a profession of which such authority is representative;
 and which has been prescribed by regulations under this Act as a rule-making authority.^[3]

(3) Every exercise by a rule-making authority of a statutory power which is of a legislative character (whether described as a rule, regulation or order or by any other name) shall be held to be a statutory rule:

Provided that—

- (a) an exercise of a statutory power otherwise than by a rule-making authority, but receiving the confirmation, approval or consent of a rule-making authority, shall not be held to be a statutory rule; and
- (b) regulations made under this Act may prescribe cases in which the exercise of a statutory power by a rule-making authority shall be exempted from any provisions of this Act.^[4]

(4) Regulations made under this Act may prescribe cases in which rules made by any authority mentioned in this section shall be held to be statutory rules, although made in the exercise of a rule-making power not conferred by a statute.^[5] **A.D. 1925**

[1] See note on this enactment, p. 289 above.

[2] See note on s. 5 below.

[3] The Electricity Commissioners for N.I., and the Council of the Pharmaceutical Society of N.I., were prescribed for this purpose by S.R. & O. (N.I.), 1925, No. 123. The Inspector-General of the Royal Ulster Constabulary was so prescribed (in respect of statutory rules of a public nature) by S.R. & O. (N.I.), 1927, No. 126.

[4] The National Health Insurance Joint Committee has been so exempted in certain cases—see note on s. 5 below.

[5] “not conferred by a statute”; *e.g.*, rules made by the Governor by virtue of the executive power of the Crown. No regulations have been made under this sub-section.

3. The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882,^[1] shall apply to every rule-making authority to whom that Act was not applicable immediately before the passing of this Act, as if—

- (a) the rule-making authority were included in the first column of the schedule to the first-mentioned Act;
- (b) the rule-making authority or a principal officer of such authority were named in the second column of that schedule as a certifying officer;
- (c) the regulations referred to in those Acts included statutory rules to which this Act applies;
- (d) the expression “Gazette” included the Belfast Gazette, and the expression “Government Printer” included the Government Printer within the meaning of this Act.

Application of Documentary Evidence Acts to certain rule-making authorities. 31 & 32 Vict., c. 37, and 45 & 46 Vict., c. 9.

A.D. 1925

[1] These Acts provide that *prima facie* evidence of certain documents may be given in any of three ways, *i.e.*—

- (i) by the production of the Gazette containing the document;
- (ii) by the production of a copy of the document purporting to be printed by the Government Printer or under the superintendence or authority of H.M. Stationery Office;
- (iii) by the production of an officially certified copy.

The Acts apply, apart from the enactment here set forth, to some of the rule-making authorities, as, for instance, the several Ministries of Northern Ireland and the National Health Insurance Joint Committee. The Acts do not, however, apply to all of those authorities, and they might or might not be found to apply to a body which becomes a rule-making authority by virtue of regulations under s. 2 (2) (f). This enactment enables every rule-making authority to make use of the convenient method of proof supplied by the Documentary Evidence Acts, and thus enhances the value of the matter published under the Act.

Amendment
of law as to
laying of
statutory
rules before
Parliament,
etc.

[1] 4.—(1) Where a provision of any Act passed before the passing of this Act by the Parliament of the United Kingdom or by the Parliament of Northern Ireland requires that any statutory rules (whether as made or in draft or other preliminary form) shall be laid before either or both of the Houses of the Parliament of Northern Ireland for a specified number of days, or enables any proceedings in relation to such rules to be taken in either or both of such Houses within a specified number of days, that provision shall be construed as if such specified number of days were a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days; and days comprised in more than one session of Parliament may be reckoned for the purpose of this section.

(2) Any provision amended by this section shall,

in its application to any statutory rules made since **A.D. 1925** the twenty-first day of November, nineteen hundred and twenty-one, but before the passing of this Act, be deemed to have had effect as so amended.

[¹] This section meets a difficulty which inevitably arises where the legislature does not remain for a long period in continuous session. Various statutes provided that rules should be laid before both Houses for some specified period, varying from 10 to 40 days, and in some cases consisting of sitting days of the House. This section enables these statutory requirements to be complied with where 5 sitting days, comprised within a minimum period of 10 days in one or more sessions, have elapsed.

5.—(1) So much of this Act as repeals sections one and two of the Rules Publication Act, 1893, shall not have effect in connection with the making by the National Health Insurance Joint Committee^[1] (either alone or jointly with any other authority) of any regulations, orders or schemes which do not relate solely to Northern Ireland, but the said sections shall continue to apply to any such regulations, orders or schemes as if this Act had not passed.

Regulations,
etc., of
National
Health
Insurance
Joint
Committee.
56 & 57
Vict., c. 66.

(2) So much of the National Health Insurance Act, 1924, as requires any regulations or orders of the said Joint Committee to be laid before the Parliament of Northern Ireland for any period of time, or enables proceedings to be taken in that Parliament in relation to such regulations or orders, shall have effect subject to the provisions of this Act.^[2]

14 & 15
Geo. 5, c. 38.

[¹] "the National Health Insurance Joint Committee." For constitution and powers of this Committee see note [⁸] on s. 4 of 22 Geo. 5, c. 11 (U.K.), in Chapter V, p. 262 above. The Joint Committee has been included in s. 2 (2) (e) as a rule-making authority to the extent to which it makes statutory rules for Northern Ireland; but exempted under s. 2 (3) as respects cases where those rules do not relate solely to Northern Ireland—S.R. & O. (N.I.), 1925, No. 123.

[²] See s. 4 above.

A.D. 1925

Short title,
repeal, and
transitory
provisions.

6.—(1) This Act may be cited as the Rules Publication Act (Northern Ireland), 1925.

(2) The Rules Publication Act, 1893, is hereby repealed, save as otherwise expressly provided by this Act.^[1]

(3) Annual volumes containing the statutory rules made since the twenty-first day of November, nineteen hundred and twenty-one, but before the passing of this Act, shall be prepared and published in accordance with the provisions of this Act.^[2]

[1] The provisions of the Northern Ireland Act are based upon s. 3 of the Act of 1893, and the Treasury rules made thereunder (S. R. & O. Rev. 1904, vol. XI, "Statutory Rule," p. 1). Sections 1 and 2 of the Act of 1893 were regarded as unsatisfactory in their operation and are not reproduced.

[2] See note on schedule, Art. 4.

SCHEDULE.

Section 1 (1). PROVISIONS AS TO PUBLICATION OF STATUTORY RULES.

1. All statutory rules when sent to the Government Printer shall be numbered consecutively, as nearly as may be, in the order in which they are received by the Government Printer.

2. There shall be a separate series of numbers for each calendar year, and all statutory rules made in any year shall wherever possible be numbered with the statutory rules of that year and included (subject to the provisions hereinafter contained in this schedule) in the annual volume of that year.

3. All statutory rules shall be printed and sold unless, in the case of rules not required to be published in the Belfast Gazette, the rule-making authority declares that it is unnecessary to print and sell them, and such declaration is not over-ruled by the determination of a question under this Act.

4. An annual volume of statutory rules* shall be prepared and published.^[1] **A.D. 1925**

5. In the annual volume a distinction shall be made between statutory rules which are general and those which are local, following (unless in exceptional circumstances) the distinction adopted between public general Acts and local Acts of Parliament; and in that volume the general rules shall be printed at length and lists shall be included of:—

- (a) the local rules;
- (b) any general rules not printed by reason of a declaration under Article 3 of this schedule; and
- (c) any temporary statutory rules excluded from publication at length under Article 8 of this schedule.

6. The rule-making authority, in sending any statutory rule to the Government Printer, shall state whether it considers the rule to be general or local, and that statement shall be followed unless over-ruled by the determination of a question under this Act.

7. In the annual volume of statutory rules the general rules shall be published in a classified form, that is to say, grouped under an alphabetically arranged series of headings of law, the headings being so far as possible identical with such headings as may be adopted for an Index to the Statutes in force in Northern Ireland.

8. Articles 1 and 3 of this schedule shall apply to temporary statutory rules, but if those rules have ceased to be in force at the time of the publication of the annual volume, or will so cease a short time afterwards, they may be excluded from publication at length in that volume, subject to the determination of a question under this Act in case of any difference between the rule-making authority and the Government Printer.

A.D. 1925

[¹] Article 4.—Under the authority of this article and of s. 6 (3) above, annual volumes have been published with respect to each year from 1922 inclusive; no volume was published for the year 1921, as the administrative powers were, at the close of that year, still in process of transfer. The annual volumes are published by the authority of the Government, and are prepared under the direction of the Statute Law Committee for Northern Ireland.

Statute Law Committee for Northern Ireland.

A Statute Law Committee is appointed by the Governor, upon the advice of the Minister of Finance, to make the necessary arrangements for and to superintend—

- (a) the publication of annual volumes, indices, and (when necessary) revised editions of the Statutes of Northern Ireland;
 - (b) the editing for publication of annual volumes of the Statutory Rules and Orders of Northern Ireland;
- and to consider any questions arising in relation to the editing of the Statute Law and Statutory Rules and Orders.

The Committee consists of the Lord Chief Justice, the Attorney General, the Parliamentary Counsel, the Controller (or in his absence the Deputy Controller) of H.M. Stationery Office, the Principal Assistant Secretary of the Ministry of Finance, the Counsel to the Speakers of the two Houses of Parliament in Northern Ireland, and the Clerk of the Parliaments.

CHAPTER VII

PARLIAMENTARY CONSTITUENCIES AND FRANCHISE

1. *Constituencies and Method of Voting.*—Under s. 14 **A.D. 1920** of the Government of Ireland Act, 1920 (see Chapter I, p. 33 above), the House of Commons of Northern Ireland consists of 52 members. That enactment also apportioned the representation between certain constituencies which were named in Part II of the Fifth Schedule to the Act, and provided that the members should be elected “in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom,” with this important exception, that at a contested election of the full number of members the election should be according to the principle of Proportional Representation, each elector having one transferable vote. To enable “P.R.” to operate, the total of 52 seats was distributed amongst 11 constituencies, each returning at least 4 members, and in two cases 8 members. Upon this basis members were elected to the Commons House of the Northern Ireland Parliament at the first general election (4th May–7th June, 1921) and at the second general election (14th March–14th April, 1925); see Part I of this work, pp. 19, 20, 69, 70.

The enactment which laid down the principle of “P.R.,” and devised constituencies of appropriate size,

A.D. 1929 gave to the Northern Ireland Parliament a power to alter these arrangements after three years from its first meeting, but subject to the proviso that the total number of members (52) must not be altered, and due regard must be given to the population of constituencies (other than university constituencies). This power was exercised in the early part of the year 1929, when a government Bill was introduced to abolish "P.R." in fulfilment of a long-standing pledge. The case put for the measure was that, although the system of proportional representation with the transferable vote might be admirable in theory, in practice it did not suit Northern Ireland, and that the adoption of the simpler method of the direct vote in single-member constituencies would give effect to the wishes of the generality of the electorate. The Bill became law on 16th April, 1929, and its text is set out at p. 344 below. The scheme thus put into force restored the system of direct voting by ballot. It set up two Parliamentary boroughs—Belfast, having 16 divisions, each returning one member; and Londonderry, having 2 divisions, each returning one member. Each parliamentary county was sub-divided into single-member divisions, the number of such divisions being, where practicable, the same as the number of members which had been assigned to the county as a whole under the "P.R." system. The boroughs and counties received 48 members in all, and the remaining 4 were assigned to the Queen's University of Belfast. The university constituency underwent no change, as it had returned 4 members under the Act of 1920; proportional representation, also, was retained in this case. Parliament was dissolved shortly after the passing of the Act, and a general election took place under its provisions.

2. *Parliamentary Franchise*.—Section 14 of the Act of 1920 dealt with the franchise, as well as the distri-

• bution of seats and method of voting. It provided **A.D. 1928** that the members of the Northern Ireland House of Commons should be elected "by the same electors" as members returned to the Westminster Parliament for constituencies in Northern Ireland; but this provision might be altered (as in the cases already referred to) by the Parliament of Northern Ireland after three years from its inception. The effect of the section was to make it practicable that the register of electors who elect members to Westminster should be used at the election of members to sit in the House of Commons at Belfast, until—

- (a) some change was made by the Imperial Parliament in the law in force at the commencement of the 1920 Act with respect to the United Kingdom electorate; or
- (b) the Northern Ireland Parliament changed the law with respect to the electorate for that Parliament.

The event at (a) happened in the year 1928, when the Representation of the People Act, 1918, was amended so as to assimilate the United Kingdom parliamentary franchise of men and women (see 18 & 19 Geo. 5, c. 12). Having regard to the convenience of preserving the same franchise and a single register of electors for both sets of parliamentary elections, the Northern Ireland Parliament in the same year attained those objects by passing a parallel Act giving the "equal franchise," which is set out at p. 378 below. It may be noted that this Act extends the assimilation of the franchise to the removal of the peerage disqualification, from which peeresses in their own right had already been exempted by s. 9 (5) of the Representation of the People Act, 1918. The Northern Ireland Act also introduces an over-riding qualification of three years'

A.D. 1929

residence in the United Kingdom, in the case of the residence qualification for the parliamentary vote, but with a proviso which exempts from this overriding qualification naval and military voters, persons who have served in the forces during the six months' qualifying period, and persons born in Northern Ireland.

The House of Commons (Method of Voting and Redistribution of Seats) Act (Northern Ireland), 1929.

19 GEO. 5, CH. 5.

An Act to amend the law with respect to the method of voting at Elections of Members to serve in the Parliament of Northern Ireland, and to provide for the Redistribution of Seats at such Elections, and for other purposes connected therewith.

[16th April, 1929.]

Alteration
of method of
voting
at contested
parlia-
mentary
elections.

1. The members of the House of Commons of Northern Ireland (in this Act referred to as "the House of Commons") shall, at a contested election, be elected by the same method of voting as is, at the passing of this Act, prescribed by law for use at a contested election of members to serve in the Parliament of the United Kingdom of Great Britain and Northern Ireland for constituencies in Northern Ireland; and so much of sub-section (3) of section fourteen of the Government of Ireland Act, 1920, as provides that, at any contested election of the full number of members of the House of Commons, the election shall be according to the principle of proportional representation shall cease to have effect, except as respects an election of members for any university constituency where there are two or more members to be elected.

A.D. 1929

Redistribu-
tion
of seats.

2.—(1) Each of the areas mentioned in the first column of Part I of the First Schedule to this Act shall be a parliamentary borough returning the number of members of the House of Commons specified opposite to the name of that borough in the said Part, and shall be divided into the divisions specified therein, and each such division shall return one member.

(2) Each of the areas mentioned in the first column of Part II of the First Schedule to this Act shall be a parliamentary county returning the number of members of the House of Commons specified opposite to the name of that county in the said Part, and shall be divided into the divisions specified therein, and each such division shall return one member.

(3) The university mentioned in Part III of the First Schedule to this Act shall be a constituency returning the number of members of the House of Commons specified opposite to the name of that constituency in the said Part.

(4) The distribution of seats under this section shall, for the purposes of elections of members of the House of Commons, take the place of the distribution of seats existing at the time of the passing of this Act; and all writs for elections of such members, and other documents consequent upon the writs, or relating to elections of such members, shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act.

(5) The election laws, as defined in section seventy-four of the Government of Ireland Act, 1920, shall apply to elections of members of the House of Commons, and to the parliamentary boroughs, parliamentary counties, divisions of parliamentary boroughs and counties, and university constituency constituted by this Act, as if sub-divisions (1) and (2) of Article four of the Election

A.D. 1929 Laws Application (House of Commons of Northern Ireland) Order, 1921, had never been made.

(6) The registers for the registration units (or parts of registration units) contained in any parliamentary borough, parliamentary county, or division of a parliamentary borough or county, constituted by this Act shall together form the register of parliamentary electors for that borough, county, or division, and subsection (1) of section six of the Representation of the People Act (Northern Ireland), 1928, shall have effect subject to the provisions of this section.

18 & 19
Geo. 5, c. 24.

Re-arrangement of polling districts and places, and removal of doubts.

3.—(1) Immediately after the passing of this Act, the council having power to divide a constituency into polling districts shall take into consideration the division of the constituency into polling districts, and shall, subject to confirmation by the Ministry of Home Affairs and to any directions which that Ministry may give by order, make any re-arrangement of polling districts existing at the passing of this Act, and of polling places, which it appears necessary to make as a consequence of alterations effected by this Act.

(2) If any doubt arises as to the constituency in which any parish, townland, ward, or other place, whether smaller or larger than a parish, townland or ward, is intended by the First Schedule to this Act to be included, that doubt shall be determined by the Ministry of Home Affairs.

Returning officer and place of election in county constituency.

4.—(1) For the purposes of an election of a member to serve in the Parliament of Northern Ireland for any county constituency named in Part II of the First Schedule to this Act—

(a) the under-sheriff of the administrative county, in which the whole or the greater part of the constituency is contained, shall be the returning officer; and

- (b) the place of election shall be such place as may be fixed for the constituency by the returning officer with the approval of the Governor of Northern Ireland. **A.D. 1929**

(2) For the purposes of an election of a member to serve in the Parliament of Northern Ireland for any borough constituency named in Part I of the First Schedule to this Act, the under-sheriff of the county of a city in which any part of the constituency is comprised shall be the returning officer.

5. The provisions of the Fourth Schedule to the Representation of the People Act, 1918, shall, in their application to elections of members of the House of Commons, have effect as if five pence were substituted for two pence in the case of a county election and in the case of an election for a borough; and the amendments made in those provisions by section seventy-one of the Government of Ireland Act, 1920, shall cease to have effect in their application to the said elections.

Alteration
of scale of
election
expenses.
7 & 8 Geo. 5,
c. 64.

6. The enactments hereinafter mentioned in this section shall, as from the passing of this Act, have effect subject to the following amendments:—

Minor
amendments
of election
laws.

- (a) In the application of sub-section (3) of section fourteen of the Government of Ireland Act, 1920 (including the enactment therein mentioned) to the university constituency constituted by this Act, the reference to His Majesty in Council shall be construed as a reference to the Governor of Northern Ireland in Council, but this provision shall not prejudice the operation of the University Elections (Single Transferable Vote) Regulations, 1918, until regulations are made by the said Governor in Council;

A.D. 1929

- (b) The powers of dividing a constituency into polling districts and appointing polling places therefor shall, for the purposes of elections of members of the House of Commons, be exercisable by the council of the administrative county or the county borough in which the whole or the greater part of the constituency is contained, and section thirty-one and sub-section (9) of section forty-four of the Representation of the People Act, 1918, shall have effect accordingly;
- (c) The powers in relation to polling districts and polling places, which were conferred upon the Local Government Board for Ireland by the Representation of the People Act, 1918, as originally enacted, shall, for the purposes of elections of members of the House of Commons, be exercisable by the Ministry of Home Affairs.

Commence-
ment of Act
and first
elections.

7.—(1) This Act shall, save as therein expressly provided, come into operation on the day on which the Parliament of Northern Ireland is first dissolved, or ceases to have continuance, after the passing of this Act.

(2) If any difficulty arises at any time after the passing of this Act as to the formation of the first register of electors according to the constituencies named in the First Schedule to this Act, or as to the re-arrangement of polling districts and polling places for those constituencies, or as to the holding of the first elections of members of the House of Commons after this Act comes into operation, the Ministry of Home Affairs may by order do any matter or thing which appears to that Ministry necessary for the proper formation of such register, the proper re-arrangement

of polling districts and polling places, or the proper holding of any such elections. **A.D. 1929**

8.—(1) The enactments (including provisions made by Orders in Council) set out in the Second Schedule to this Act are hereby repealed, as respects Northern Ireland, to the extent specified in that Schedule. Repeal and short title.

(2) This Act may be cited as the House of Commons (Method of Voting and Redistribution of Seats) Act (Northern Ireland), 1929, and shall be construed as one with the Representation of the People Acts (Northern Ireland), 1918 to 1928; and those Acts and this Act may be cited together as the Representation of the People Acts (Northern Ireland), 1918 to 1929.

FIRST SCHEDULE.

REDISTRIBUTION OF SEATS.

1. The names, contents and boundaries of each parliamentary borough and county and division thereof shall be as specified in Parts I and II of this Schedule. Sections 2, 3, 4, and 7.

2. The areas mentioned in the second and last columns of Parts I and II of this Schedule shall be taken to be those areas as constituted on the twenty-seventh day of February, nineteen hundred and twenty-nine: Provided that any misnomer or inaccurate description of any of those areas in those columns shall not in any way prevent or abridge the operations of this Act with respect to the subject of the description, if it is so designated as to be commonly understood.

3. The wards mentioned in Part I of this Schedule are, in relation to any county borough, wards of that borough.

PART I.

PARLIAMENTARY BOROUGHES.

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast	The County Borough of Belfast.	Sixteen	Ballynafeigh	The part of the Ormeau Ward which is included within a line drawn from a point on the boundary of the Ward opposite the southern boundary of the premises of the Cromac Distillery, proceeding in an easterly direction along the southern boundary of the said premises to the centre of the passage at the re-re of the premises on the west side of St. Kilda Street, thence in a northerly and north-easterly direction along the centre of the said passage and continuing in a straight line between the premises 59 and 61 Ravenhill Road to the centre of the Ravenhill Road, thence in a north-easterly direction along the centre of Shamrock Street to a point opposite the centre of Rathmore Street, thence in a south-easterly direction along the centre of Rathmore Street to a point opposite the centre of the passage between Shamrock Street and Glentoran Street, thence along the centre of the said passage across Mount Street to the eastern boundary of the premises on the south side of Shamrock Street, thence in a northerly direction along the eastern boundary of the said premises to the boundary of Nettlefield, thence in a northerly and easterly direction along the boundary of Nettlefield to the centre of the passage at the re-re of the premises on the west side of Cherryville Street, thence in a northerly direc-

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Ballynafeigh— <i>continued.</i>	<p>tion along the centre of said passage to the rere of the premises on the south side of Woodstock Road, thence in an easterly direction along the boundary of the said premises and the premises No. 46 Cherryville Street, and continuing in a straight line across Cherryville Street and along the rere of the premises on the south side of Woodstock Road across Bryansford Street and to the centre of My Lady's Road, thence in a southerly direction along the centre of My Lady's Road to a point opposite the western boundary of Willowfield Church of Ireland Church, thence in a southerly direction to the northern side of Jocelyn Street, thence in a southerly and westerly direction to the rere of the premises on the south side of My Lady's Road, thence in a southerly direction along the rere of the said premises to a point in the centre of Rosebery Road, thence in a southerly direction along the centre of Rosebery Road to a point opposite the northern boundary of the premises No. 90 Rosebery Road, thence in a north-easterly direction along the said boundary to the rere of the said premises, thence in a southerly direction along the rere of the premises on the east side of Rosebery Road, across Ardenvohr Street to the rere of the premises on the north side of Ravenhill Avenue, thence in a westerly direction along the boundary of the said premises to the centre of Rosebery Road, thence in a southerly direction to the centre of Ravenhill Avenue at</p>

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Ballynafeigh— <i>continued.</i>	the junction of Rosebery Road and Ravenhill Avenue, thence in a westerly direction along the centre of Ravenhill Avenue to a point opposite the centre of Millar Street, thence in a southerly direction along the centre of Millar Street to a point opposite the northern boundary of the premises No. 2 Millar Street, thence in a southerly direction along the rere of the premises No. 2 and No. 4 Millar Street, continuing in a straight line in a southerly direction along a fence to a point at the rere of the premises on the north side of Ardenlee Avenue, thence in a westerly direction along the rere of the said premises to the boundary of the premises No. 1 Ravenhill Gardens, thence in a southerly and westerly direction along the boundary of the said premises to the boundary of the premises No. 326 Ravenhill Road, thence in a south-easterly direction along the eastern boundary of the said premises and continuing in a straight line to the centre of Ardenlee Avenue, thence in a westerly direction along the centre of Ardenlee Avenue to a point in the centre of Ravenhill Road opposite the centre of Ardenlee Avenue, thence in a south-easterly direction along the centre of Ravenhill Road to a point opposite to the northern boundary of the premises No. 402 Ravenhill Road, thence in an easterly and southerly direction along the boundary of the premises 402 and 402A Ravenhill Road to the northern boundary of the premises on the north side of Ravenhill Park, thence in an

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Ballynafeigh— <i>continued.</i>	easterly direction along the northern boundary of the said premises and continuing in a straight line to the boundary of the Ward, thence along the boundary of the Ward in a southerly, westerly, and northerly direction to the point first described.
			Bloomfield	The part of the Pottinger Ward which lies to the east of a line drawn from a point on the boundary of the Ward at the junction of Castlereagh Street and Albertbridge Road, and proceeding in a north-easterly direction along the centre of Albertbridge Road to a point on the boundary of the Ward at the junction of Albertbridge Road and Newtownards Road.
			Central	The Smithfield Ward together with the part of the St. Anne's Ward which lies to the north and east of a line drawn from the boundary of the Ward in the centre of Castle Junction proceeding in an easterly direction along the centre of Castle Place to a point opposite the eastern boundary of the premises on the east side of Royal Avenue, thence in a northerly direction along the boundary of the said premises to the rear of the premises on the north side of Castle Place, thence in an easterly direction along the rear of the premises on the north side of Castle Place to the centre of Lombard Street, thence in a southerly direction along the centre of Lombard Street, across High Street and the centre of Corn Market to a point opposite the southern boundary of the premises on the south side of

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Central— <i>continued.</i>	<p>High Street, thence in an easterly direction along the southern boundary of the said premises to the rere of the premises on the east side of Corn Market, thence in a southerly direction along the eastern boundary of the said premises, across Ann Street and continuing in a south-easterly direction along the rere of the premises on the east side of Arthur Square to the south-eastern boundary of the premises No. 13 Arthur Square, thence in a westerly direction across William Street South and along the southern boundary of the premises on the south side of Arthur Square to the rere of the premises on the east side of Arthur Street, thence along the east boundary of the said premises and continuing to the centre of Chichester Street, thence in a westerly direction along the centre of Chichester Street to a point opposite the centre of Upper Arthur Street, thence along the centre of Upper Arthur Street to a point opposite the southern boundary of the premises on the south side of Chichester Street, thence in an easterly direction along the said boundary to the rere of the premises on the east side of Upper Arthur Street, thence in a southerly direction along the eastern boundary of the said premises to the rere of the premises on the north side of May Street, thence in a westerly direction to the centre of Upper Arthur Street, thence in a southerly direction along the centre of Upper Arthur Street to the boundary of the Ward at the junction of Upper Arthur Street and May Street. And the part</p>

Name of Parlia- mentary Borough.	Contents of Parlia- mentary Borough.	Total Number of Mem- bers for Parlia- mentary Borough.	Names of Divisions of Parlia- mentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Central— <i>continued.</i>	<p>of the Woodvale Ward which lies to the east of a line drawn from the boundary of the Ward at the junction of Boundary Street and Peter's Hill, proceeding in a southerly direction along the centre of Boundary Street to a point on the boundary of the Ward at the junction of Boundary Street and Cargill Street, together with that part of the Court Ward which lies to the east of a line drawn from a point on the boundary of the Court Ward at the junction of Carlisle Street and Carlisle Circus, proceeding in a southerly direction along the centre of Carlisle Street to a point opposite a line running between the rere of the premises in Carlisle Terrace and No. 76 Carlisle Street, thence in a westerly direction along the said line to a point opposite the rere of the premises on the western side of Carlisle Street, thence in a south-westerly direction along the rere of the said premises to the rere of the premises on the north side of Old Lodge Road, thence in an easterly direction along the rere of the said premises and continuing to a point in the centre of Carlisle Street, thence in a south-westerly direction to a point in the centre of Old Lodge Road opposite the centre of Carlisle Street, thence in a south-easterly direction along the centre of Old Lodge Road to a point opposite the centre of North Boundary Street, thence in a south-easterly direction along the centre of North Boundary Street to a point opposite the rere of the premises on the south side of Old Lodge Road, thence along the said</p>

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			<p data-bbox="509 400 616 451">Central <i>continued.</i></p> <p data-bbox="509 793 616 822">Clifton</p>	<p data-bbox="623 400 979 778">line to a point at the rere of the premises on the west side of North Boundary Street, thence in a south-westerly and southerly direction along the rere of the said premises, across Fleming Street, Jackson Street, and Riversdale Street to the rere of the premises on the north side of the Shankill Road, thence in an easterly direction along the rere of the said premises to a point in the centre of North Boundary Street, thence in a southerly direction to a point at the junction of Shankill Road and Peter's Hill opposite the centre of North Boundary Street on the boundary of the Ward.</p> <p data-bbox="623 793 979 1365">The part of the Clifton Ward which lies to the north-east of a line commencing at a point on the boundary of the Ward at the junction of Antrim Road and Cliftonville Road, proceeding in a north-westerly direction along the centre of Cliftonville Road to the junction of Cliftonville Road and Manor Street, thence in a south-westerly direction along the centre of Manor Street to the junction of Manor Street and Mountview Street, thence in a north-westerly direction along the centre of Mountview Street and Oldpark Road to the boundary of the Ward; together with that part of Duncairn Ward which is bounded by a line commencing at a point on the boundary of the Ward at the junction of Antrim Road and Duncairn Gardens, proceeding in a south-easterly direction along the centre of Duncairn Gardens to the junction of Duncairn Gardens and</p>

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Clifton— <i>continued.</i>	Adam Street, thence in a north-easterly direction along the centre of Adam Street to the junction of Adam Street and Mervue Street, thence in a north-westerly direction along the centre of Mervue Street to a point opposite the south-eastern boundary of the Mission Hall, No. 83 Mervue Street, thence along the south-eastern boundary of the said premises to the centre of the passage between Mervue Street and Cosgrave Street, thence in a north-westerly direction along the centre and to the end of the said passage, thence in a north-easterly direction along the centre of Robina Street to the centre of Limestone Road at the junction of Robina Street and Limestone Road, thence in a north-westerly direction along the centre of Limestone Road to a point opposite the centre of Mileriver Street, thence along the centre of Mileriver Street to a point opposite the centre of the passage at the re-re of the premises on the south side of Mountcollyer Street, thence in a westerly direction along the centre of the said passage to the re-re of the premises on the east side of Mountcollyer Crescent, thence in a southerly direction to the centre of Parkside Gardens, thence in a north-westerly direction along the centre of Parkside Gardens to the southern boundary of Alexandra Park, thence along the south-western boundary of Alexandra Park to a point opposite the western boundary of the premises No. 12 The Glen, thence in a southerly direction along the west-

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Clifton— <i>continued.</i>	ern boundary of the said premises and continuing in a straight line to the centre of Limestone Road, thence in a north-westerly direction along the centre of Limestone Road to the boundary of the Duncairn Ward at the junction of Limestone Road and Antrim Road, thence in a southerly direction along the centre of Antrim Road to the point first described.
			Cromac .	The Cromac Ward.
			Dock .	The Dock Ward.
			Duncairn	The part of the Duncairn Ward which is not included in the Clifton Division.
			Falls .	The Falls Ward.
			Oldpark .	The part of the Shankill Ward which lies to the east and north of a line drawn continuously from a point on the boundary of the Ward at the junction of Tennent Street and Crumlin Road, proceeding in a southerly direction along the centre of Tennent Street to a point opposite the centre of Langley Street, thence in an easterly direction along the centre of Langley Street to a point opposite the rere of the premises on the eastern side of Tennent Street, thence along the rere of the said premises to a point in the centre of Danube Street, thence in a westerly direction along the centre of Danube Street to the centre of Tennent Street, thence in a southerly direction along the centre of Tennent Street to a point opposite the boundary between the premises

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Oldpark— <i>continued.</i>	247 Tennent Street and the Crumlin Road Methodist Church, thence in an easterly direction to the rere of the premises on the east side of Tennent Street, thence in a southerly direction along the rere of the said premises, across Sydney Street West and continuing in a straight line to the centre of Ambleside Street, thence in an easterly direction along the centre of Ambleside Street to a point opposite the centre of Bowness Street, thence in a northerly direction along the centre of Bowness Street to a point opposite the rere of the premises on the north side of Ambleside Street, thence in an easterly direction along the rere of the said premises to the centre of Keswick Street, thence in a southerly direction along the centre of Keswick Street to the centre of Ambleside Street, thence in an easterly direction along the centre of Ambleside Street to a point opposite the rere of the premises on the east side of Keswick Street, thence in a northerly direction along the rere of the said premises to a point opposite the rere of the premises on the north side of Ambleside Street, thence in an easterly direction along the rere of the said premises to western boundary of the premises on the west of Silvio Street, thence in a southerly direction along the rere of the said premises to a point in the centre of Ambleside Street, thence in an easterly direction along the centre of Ambleside Street across Silvio Street and along the centre of Upper Charleville Street to a point opposite the centre of

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			<p>Oldpark— <i>continued.</i></p> <p>Pottinger</p>	<p>Howe Street, thence in a northerly direction along the centre of Howe Street to a point opposite the reere of the houses in Upper Charleville Street, thence in an easterly direction along the reere of the said premises across Raleigh Street and Snugville Street to a point in the centre of Crimea Street, thence in a southerly direction along the centre of Crimea Street to a point opposite the centre of the passage between the premises in Charleville Street and Blayney Street, thence in an easterly direction along the centre of the said passage, and in a northerly direction along the centre of the passage at the reere of the premises on the west side of Agnes Street to a point in the centre of Charleville Street, thence in an easterly direction along the centre of Charleville Street to a point on the boundary of the Ward at the junction of Charleville Street and Agnes Street; together with the part of the Clifton Ward which is not included in the Clifton Division.</p> <p>The part of the Pottinger Ward which is not included in the Bloomfield Division; together with that part of the Victoria Ward which lies to the west of a line drawn from a point on the boundary of the Victoria Ward on Newtownards Road opposite the centre of Church Street East, proceeding in a northerly direction along the centre of Church Street East to a point opposite the centre of the passage at the reere of the premises on the north side of Newtownards Road, thence</p>

Name of Parlia- mentary Borough.	Contents of Parlia- mentary Borough.	Total Number of Mem- bers for Parlia- mentary Borough.	Names of Divisions of Parlia- mentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Pottinger — <i>contd.</i>	in an easterly direction along the centre of the said passage to a point opposite the centre of the passage at the rear of the premises on the east side of Church Street East, thence in a northerly direction along the centre of the said passage and continued in a straight line to the north side of the County Down Railway Line, thence along the north side of the said railway line to a point in the centre of the bridge over the railway on Hamilton Road, thence in a north-westerly direction along the centre of Hamilton Road to a point opposite the centre of the Musgrave Channel, thence in a northerly direction along the centre of the said channel to the boundary of the County Borough.
			St. Anne's	The St. George's Ward and the part of the St. Anne's Ward which is not included in the Central Division.
			Shankill .	The part of the Shankill Ward which is not included in the Oldpark Division.
			Victoria .	The part of the Victoria Ward which is not included in the Pottin- ger Division.
			Willow- field	The part of the Ormeau Ward which is not included in the Bally- nafeigh Division.
			Windsor .	The Windsor Ward.
			Woodvale	The part of the Woodvale Ward which is not included in the Central Division, together with the part

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
Belfast— <i>continued.</i>			Woodvale — <i>contd.</i>	of the Court Ward which is not included in the Central Division.
London- derry.	The County Borough of Londonderry, together with so much of the Rural District of Londonderry as consists of the district electoral divisions of Eglinton, Glendermot, Liberties Lower, Liberties Middle, Liberties Upper, Lough Enagh, and Waterside.	Two	City of London- derry.	<p>The East Ward.</p> <p>The part of the North Ward which lies to the north and east of a line drawn from a point in the boundary of the County Borough in the centre of Creggan Burn where the footpath or right-of-way leading from Rosemount Avenue to Glen Road crosses the said burn, thence in a southerly and south-easterly direction along the centre line of the footpath or right-of-way leading to Rosemount Avenue, thence across the said avenue in a south-easterly and south-westerly direction along the centre of the street locally known as Wark's Lane to a point in the centre of Creggan Road opposite the centre of the said lane, thence in a south-easterly direction along the centre of Creggan Road to a point opposite the centre of Upper or Infirmary Road, thence in a north-easterly direction along the centre of the last-mentioned road to a point opposite the centre of Great James Street, thence in a south-easterly direction along the centre of the last-mentioned street to a point in the centre of Strand Road opposite the centre of Great James Street, thence in a southerly and south-easterly direction along the centre of Strand Road and Waterloo Place to a point in the centre of Waterloo Place opposite the outer angle of the City Walls at their most northerly point at Magazine Gate, thence in a south-westerly direction along the outer face of the City Walls and Bastion</p>

Name of Parliamentary Borough.	Contents of Parliamentary Borough.	Total Number of Members for Parliamentary Borough.	Names of Divisions of Parliamentary Borough.	Contents or Boundaries of Divisions.
London-derry— <i>continued.</i>			<p>City of London-derry—<i>continued.</i></p> <p>Foyle</p>	<p>to its junction at Castle Gate with the boundary of the North Ward.</p> <p>The Waterside Ward.</p> <p>The part of the West Ward which is inside the City Walls and Bastions, including the said Walls and Bastions.</p> <p>The part of the Rural District of Londonderry which consists of the district electoral divisions of Eglington, Glendermot, Lough Enagh, and Waterside.</p> <p>The part of the North Ward which is not included in the City of Londonderry Division.</p> <p>The South Ward.</p> <p>The part of the West Ward which is not included in the City of Londonderry Division.</p> <p>The part of the Rural District of Londonderry which consists of the district electoral divisions of Liberties Lower, Liberties Middle, and Liberties Upper.</p>

PART II.
 PARLIAMENTARY COUNTIES.

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Antrim	The Administrative County of Antrim.	Seven	Antrim	<p>The part of the Rural District of Antrim which consists of the district electoral divisions of Antrim Rural, Antrim Urban, Ballynarentagh, Ballyrobin, Connor, Craigarogan, Crumlin, Donegore, Dunadry, Dundesert, Kilbride, Muckamore, Randalstown Rural, Randalstown Urban, Seacash, Sharvogue, Shilvodan, and Templepatrick.</p> <p>The part of the Rural District of Ballymena which consists of the district electoral division of Kells.</p> <p>The part of the Rural District of Belfast which consists of the district electoral divisions of Ballyduff, Ballygomartin, and Ballysillan.</p> <p>The part of the Rural District of Lisburn which consists of the district electoral divisions of Glenavy and Tullyrusk.</p>
			Bann Side	<p>The part of the Rural District of Antrim which consists of the district electoral divisions of Cargin and Cranfield.</p> <p>The part of the Rural District of Ballymena which consists of the district electoral divisions of Ahoghill, Ballyconnelly, Ballyscullion, Cloghogue, Drumanaway, Dunminning, Galgorm, Glenbuck, Lisnagarra, Portglenone, Toome, and Tullagharley.</p> <p>The part of the Rural District of Ballymoney which consists of the district electoral divisions of</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Antrim— <i>continued.</i>			Bann Side — <i>contd.</i>	Dirraw, Dunloy, Enagh, Killagan, Killoquin Lower, Killoquin Upper, and The Vow.
			Carrick .	<p>The part of the Rural District of Antrim which consists of the district electoral divisions of Ballyclare Rural, Carnall, and Coggrey.</p> <p>The part of the Rural District of Belfast which consists of the district electoral divisions of Ballygolan, Carnmoney, Jordanstown, Monks-town, Whiteabbey, and Whitehouse.</p> <p>The part of the Rural District of Larne which consists of the district electoral divisions of Ballynure, Carrickfergus Rural, Eden, and Middle Division.</p> <p>The Urban Districts of Ballyclare and Carrickfergus.</p>
			Larne .	<p>The part of the Rural District of Antrim which consists of the district electoral division of Rashee.</p> <p>The part of the Rural District of Ballymena which consists of the district electoral divisions of Glenwhirry and Slemish.</p> <p>The part of the Rural District of Larne which consists of the district electoral divisions of Ballycor, Carncastle, Glenarm North, Glenarm South, Glynn, Island Magee North, Island Magee South, Kilwaughter, Raloo, and Templecorran.</p> <p>The Urban Districts of Larne and Whitehead.</p>
			Mid Antrim	<p>The part of the Rural District of Ballycastle which consists of the district electoral divisions of Glanaan, Glengariff, and Glendun.</p> <p>The part of the Rural District of Ballymena which consists of the</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Antrim— <i>continued.</i>			Mid Antrim— <i>contd.</i>	<p>district electoral divisions of Ballyclug, Broughshane, Clôgh, Cromkill, Glenravill, Kirkinriola, Longmore, and Newtown Crommelin.</p> <p>The part of the Rural District of Ballymoney which consists of the district electoral division of Corkey.</p> <p>The part of the Rural District of Larne which consists of the district electoral divisions of Ardelinis and Glencloy.</p> <p>The Urban District of Ballymena.</p>
			North Antrim	<p>The part of the Rural District of Ballycastle which consists of the district electoral divisions of Armoy, Ballintoy, Ballycastle Rural, Croagh, Drumtullagh, Dunseverick, Glenmakeeran, Glenshesk, Ramoan, Rathlin, and The Fair Head.</p> <p>The part of the Rural District of Ballymoney which consists of the district electoral divisions of Ballycreagh, Ballyhoe, Benvardin, Bushmills, Carnmoon, Castlequarter, Dervock, Dunluce, Kilraghts, Kirkmoyle, Port Cammon, Portrush Rural, Seacon, and Stranocum.</p> <p>The Urban Districts of Ballycastle, Ballymoney, and Portrush.</p>
			South Antrim	<p>The part of the Rural District of Lisburn which consists of the district electoral divisions of Aghalee, Ballinderry, Ballyscolly, Derryaghy, Dunmurry, Island Kelly, Lambeg, Lisnagarvy, Lissue, Magheragall, Magheramesk, Malone, and Montiaghs.</p> <p>The Urban District of Lisburn.</p>
Armagh .	The Administrative County of Armagh.	Four	Central Armagh	<p>The part of the Rural District of Armagh which consists of the dis-</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Armagh— <i>continued.</i>			Central Armagh — <i>contd.</i>	<p>trict electoral divisions of Aghory, Ballymartrim, Charlemont, Glenaul Grange, Hockley, Kilmore, Loughgall, and Rich Hill.</p> <p>The part of the Rural District of Lurgan which consists of the district electoral divisions of Carrowbrack and Portadown Rural.</p>
			Mid Armagh	<p>The part of the Rural District of Tanderagee which consists of the district electoral divisions of Laurelvale, Mullahead, and Tanderagee Rural.</p> <p>The Urban Districts of Portadown and Tanderagee.</p> <p>The part of the Rural District of Armagh which consists of the district electoral divisions of Ballyards, Brootally, Clady, Corporation East, Corporation West, Crossmore, Glenanne, Hamilton's Bawn, Kill- een, Lisnadill, Markethill, Milford, and Tynan.</p> <p>The part of the Rural District of Newry No. 2 which consists of the district electoral divisions of Drumbanagher, Mountnorris, Mullaghglass, Poyntzpass, and Tullyhappy.</p> <p>The part of the Rural District of Tanderagee which consists of the district electoral divisions of Ballysheil and Mullaghbrack.</p> <p>The Urban District of Armagh.</p>
			North Armagh	<p>The part of the Rural District of Armagh which consists of the district electoral divisions of Annaghmore, Killyman, and Tullyman.</p> <p>The part of the Rural District of Lurgan which consists of the district electoral divisions of Breagh, Brownlows Derry, Cornakinnegar,</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Armagh— <i>continued.</i>			North Armagh— <i>continued.</i>	Drumcree, Kernan, Lurgan Rural, Montiagh, and Tartaraghan. The Urban District of Lurgan.
			South Armagh	The part of the Rural District of Armagh which consists of the district electoral divisions of Armaghbrague, Clay, Darkley, Derrynoose, Drum, and Middletown. The part of the Rural District of Newry No. 2 which consists of the district electoral divisions of Ballybot, Ballymyre, Belleek, Bessbrook North, Bessbrook South, Camlough, Camly, Creggan, Crossmaglen, Cullaville, Derrymore, Dorsy, Drumintee, Fathom, Forkill, Glasdrumman, Killeen, Killevy, Latbirget, Moybane, Moyra Castle, Mullaghbane, Newtown Hamilton, and Tullyvallen. The Urban District of Keady.
Down	The Administrative County of Down.	Eight	Ards	The part of the Rural District of Newtownards which consists of the district electoral divisions of Ardkeen, Ballyhalbert, Ballywalter, Carrowdore, Donaghadee, Grey Abbey, Kircubbin, Newtownards North, Portaferry, and Quintin. The Urban Districts of Donaghadee and Newtownards.
			East Down	The part of the Rural District of Downpatrick which consists of the district electoral divisions of Ardglass, Ballynahinch Rural, Ballynahinch Urban, Crossgar, Downpatrick Rural, Dunmore, Inch, Killinchy, Killyleagh Rural, Killyleagh Urban, Kilmore, Leggygowan, Raholp, and Strangford. The part of the Rural District of Hillsborough which consists of

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Down— <i>continued.</i>			East Down— <i>continued.</i>	the district electoral divisions of Glassdrumman and Saintfield. The Urban District of Downpatrick.
			Iveagh .	The part of the Rural District of Banbridge which consists of the district electoral divisions of Dromore Rural, Gilford, Loughans, Quilly, and Tullylish. The part of the Rural District of Hillsborough which consists of the district electoral divisions of Annahilt, Ballykeel, Ballyworfy, Dromara, Hillsborough, and Maze. The part of the Rural District of Moira which consists of the district electoral divisions of Ballyleny, Bleary, Clare, Donaghcloney, Magheralin, Moira, and Waringstown. The Urban District of Dromore.
			Mid Down	The part of the Rural District of Castlereagh which consists of the district electoral divisions of Ballymaconaghy, Ballymiscaw, Castlereagh, Dundonald, and Gilnahirk. The part of the Rural District of Hillsborough which consists of the district electoral divisions of Ballymacbrennan, Ballyskeagh, Blaris, Breda, Carryduff, Drumbo, Edenderry, and Ouley. The part of the Rural District of Newtownards which consists of the district electoral divisions of Ballygowan, Ballymaglaff, Comber, Kilmood, Moneyreagh, and Newtownards South.
			Mourne .	The part of the Rural District of Banbridge which consists of the district electoral divisions of Ballyward and Leitrim.

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Down— <i>continued.</i>			<p>Mourne— <i>continued.</i></p> <p>North Down</p> <p>South Down</p>	<p>The part of the Rural District of Downpatrick which consists of the district electoral divisions of Castlewellan Rural, Castlewellan Urban, Clough, Dundrum, Killough, Seaforde, and Tyrella.</p> <p>The part of the Rural District of Kilkeel which consists of the district electoral divisions of Annalong, Ballinran, Ballymartin, Brackenagh, Bryansford, Cross, Fofanny, Glassdrumman, Kilkeel East, Kilkeel North, Kilkeel South, and Maghera.</p> <p>The part of the Rural District of Newry No. 1 which consists of the district electoral division of Clonduff.</p> <p>The Urban District of Newcastle.</p> <p>The part of the Rural District of Castlereagh which consists of the district electoral divisions of Ballycultra, Ballyhackamore, Craigavad, and Holywood Rural.</p> <p>The part of the Rural District of Newtownards which consists of the district electoral divisions of Crawfordsburn and Groomsport.</p> <p>The Borough of Bangor and the Urban District of Holywood.</p> <p>The part of the Rural District of Kilkeel which consists of the district electoral divisions of Attical, Drumreagh, Dunnaman, Greencastle, Killowen, Lisnacree, and Rosstrevor.</p> <p>The part of the Rural District of Newry No. 1 which consists of the district electoral divisions of Ballyholland, Carrickcrossan, Clonallan, Crobane, Damolly, Hilltown, and Mayo.</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Down— <i>continued.</i>			South Down— <i>continued.</i> West Down	<p>The Urban Districts of Newry and Warrenpoint.</p> <p>The part of the Rural District of Banbridge which consists of the district electoral divisions of Annalclone, Balloolymore, Ballybrick, Banbridge Rural, Crossgar, Garvaghy, Lenadarg, Loughbrickland, Magherally, Moneyslane, Scarva, Skeagh, and Tirkelly.</p> <p>The part of the Rural District of Newry No. 1 which consists of the district electoral divisions of Ballycoshone, Donaghmore, Drumgath, Glen, Rathfryland North, and Rathfryland South.</p> <p>The Urban District of Banbridge.</p>
Fermanagh	The Administrative County of Fermanagh.	Three	<p>Enniskillen</p> <p>Lisnaskea</p>	<p>The part of the Rural District of Enniskillen which consists of the district electoral divisions of Coolyermer, Corraglass, Doagh, Drumane, Drummee, Lisbofin, Monea, and Rahalton.</p> <p>The part of the Rural District of Irvinestown which consists of the district electoral divisions of Brookhill, Castle Caldwell, Church Hill, Clonelly, Drumrush, Ederney, Irvinestown, Kesh, Killadeas, Lack, Lisnarick, Magheraculmoney, and Milltown.</p> <p>The Urban District of Enniskillen.</p> <p>The part of the Rural District of Enniskillen which consists of the district electoral divisions of Ballycassidy, Ballyreagh, Castlecoole, Clabby, Derrybrusk, Drumderg, Enniskillen, Garvary, Lisbellaw, Newporton, and Tempo.</p> <p>The part of the Rural District</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Fermanagh <i>continued.</i>	The Administrative County of Londonderry, except so much thereof as is included in	Three	Lisnaskea — <i>contd.</i>	<p>of Irvinestown which consists of the district electoral division of Bellanamallard.</p> <p>The part of the Rural District of Lisnaskea which consists of the district electoral divisions of Ballindarragh, Belle Isle, Brookeborough, Carnmore, Castlebalfour, Colebrook, Corralongford, Cross, Deerpark, Dresteran, Eshnadarragh, Greenhill, Lisnaskea, Maguiresbridge, Mullaghfad, and Rosslea.</p>
			South Fermanagh	<p>The part of the Rural District of Enniskillen which consists of the district electoral divisions of Aghanaglack, Florence Court, Holywell, Killesher, Kinawley, Kinglass, and Old Barr.</p> <p>The part of the Rural District of Irvinestown which consists of the district electoral divisions of Aghamuldowney, Belleek, Garrison, Inishmacsaint, and Lattone.</p> <p>The part of the Rural District of Lisnaskea which consists of the district electoral divisions of Aghakillymaud, Aghyoule, Armagh Manor, Clonkeelan, Coolnamarrow, Crum, Derrylea, Derrysteaton, Drummully, Drumshimuck, Kilmore, Magheraveely, Mullynagowan, Newtownbutler, and Springtown.</p>
Londonderry			Mid Londonderry	<p>The part of the Rural District of Coleraine which consists of the district electoral divisions of Glenkeen, Slaght, and The Grove.</p> <p>The part of the Rural District of Limavady which consists of the district electoral divisions of Ballyharigan, Drum, Drumlaigh-</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
London-derry— <i>continued.</i>	the Parliamentary Borough of Londonderry constituted by this Act.		<p>Mid London-derry— <i>continued.</i></p> <p>land, Dungiven, Faughanvale, Feeny, Fore Glen, Gelvin, Glen-shane, Killywool, Owenreagh, Scriggan, and Straw.</p> <p>The part of the Rural District of Londonderry which consists of the district electoral divisions of Ardmore, Ballymullins, Banagher, Bondsghlen, Claudy, and Tamna-herin.</p> <p>The part of the Rural District of Magherafelt which consists of the district electoral divisions of Bancran, Brackagh Slievegallion, Carnamoney, Draperstown, Iniscarn, Lissan Upper, Swatragh, and Tullykeeran.</p> <p>North London-derry</p> <p>The part of the Rural District of Coleraine which consists of the district electoral divisions of Aghadowey, Agivey, Articlave, Ballylagan, Bannbrook, Downhill, Drumcroon, Knockantern, Letterloan, Portstewart, Ringsend, and Somerset.</p> <p>The part of the Rural District of Limavady which consists of the district electoral divisions of Aghanloo, Ballykelly, Bellarena, Benone, Drumsurn, Fruithill, Keady, Lislane, Myroe, and The Highlands.</p> <p>The Urban Districts of Coleraine, Limavady, and Portstewart.</p> <p>South London-derry</p> <p>The part of the Rural District of Coleraine which consists of the district electoral divisions of Bovagh, Bovedy, Garvagh, Hervey Hill, Kilrea, and Lislea.</p> <p>The part of the Rural District of Magherafelt which consists of the district electoral divisions of Agha-</p>	

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
London derry— <i>continued.</i>			South London derry— <i>continued.</i>	gaskin, Ballynease, Ballyronan, Bellaghy, Castledawson, Clady, Desertmartin, Gulladuff, Maghera, Magherafelt, Moneymore, Newbridge, Ringsend, Rocktown, Salterstown, The Loop, Tobermore, and Upperland.
Tyrone	The Administrative County of Tyrone.	Five	East Tyrone	<p>The part of the Rural District of Cookstown which consists of the district electoral divisions of Ballyclog, Coagh, Grange, Killycolpy, Mullanhoe, Muntirevin, Pomeroy, Stewartstown, The Sandholes, and Tullaghoge.</p> <p>The part of the Rural District of Dungannon which consists of the district electoral divisions of Altmore, Bush, Clonavaddy, Coalisland, Crossdermot, Donaghmore, Meenagh, Mountjoy, and Newmills.</p> <p>The Urban District of Cookstown.</p>
			Mid Tyrone	<p>The part of the Rural District of Clogher which consists of the district electoral divisions of Foremass and Newtownsaville.</p> <p>The part of the Rural District of Cookstown which consists of the district electoral divisions of Beaghmore, Killeenan, Lissan Lower, Oaklands, Oritor, and Slate Quarry.</p> <p>The part of the Rural District of Omagh which consists of the district electoral divisions of Bancran, Beragh, Carrickmore, Creggan, Crockanboy, Dervaghroy, Fallagh, Glenlark, Gortin, Loughmacrory, Maine, Mullaghslin, Omagh Rural, Sixmilecross, and Sluggan.</p> <p>The part of the Rural District of Strabane which consists of the dis-</p>

Name of Parlia- mentary County.	Contents of Parlia- mentary County.	Total Number of Mem- bers for Parlia- mentary County.	Names of Divisions of Parlia- mentary County.	Contents or Boundaries of Divisions.
Tyrone— <i>continued.</i>			Mid Tyrone — <i>contd.</i>	trict electoral divisions of Balix, Cranagh, Doorat, Lislea, Loughash, Plumbridge, and Sperrin.
			North Tyrone	<p>The part of the Rural District of Castlederg which consists of the district electoral divisions of Castlebane, Castlederg, Castlegore, Clare, Lisnacloon, Listymore, and Magheracreggan.</p> <p>The part of the Rural District of Omagh which consists of the district electoral divisions of Castletown, Dunbreen, Mountjoy Forest East, Mountjoy Forest West, and Moyle.</p> <p>The part of the Rural District of Strabane which consists of the district electoral divisions of Ardstraw, Ballyfatten, Ballymagorry, Baronscourt, Birnaghs, Bready, Camus, Carnkenny, Clady, Cullion, Douglas, Dunnamanagh, Edymore, Glenmornan, Glentimon, Killyclooney, Leckpatrick, Newtownstewart, Seein, Sion, and Tullyard.</p> <p>The Urban District of Strabane.</p>
			South Tyrone	<p>The part of the Rural District of Clogher which consists of the district electoral divisions of Aghintain, Augher, Aughnacloy Rural, Aughnacloy Urban, Ballagh, Ballygawley, Clogher, Cole, Cullamore, Errigal, Favor Royal, Fivemiletown, Killyfaddy, and Tullyvar.</p> <p>The part of the Rural District of Dungannon which consists of the district electoral divisions of Aghnahoe, Benburb, Bernagh, Caledon, Castlecaulfield, Clonaneese, Granville, Killyman, Minterburn, and Moy.</p> <p>The Urban District of Dungannon.</p>

Name of Parliamentary County.	Contents of Parliamentary County.	Total Number of Members for Parliamentary County.	Names of Divisions of Parliamentary County.	Contents or Boundaries of Divisions.
Tyrone— <i>continued.</i>			West Tyrone	<p>The part of the Rural District of Castlederg which consists of the district electoral divisions of Ardarver, Ballymongan, Clunahill, Corgary, Garvagh, Killen, Killeter, Kirlish, and Longfield.</p> <p>The part of the Rural District of Omagh which consists of the district electoral divisions of Aghafad, Camderry, Corlea, Dromore, Drumharvey, Drumquin, Ecclesville, Edenderry, Fallaghearn, Fintona, Grenan, Kilskeery, Lifford, Loughmuck, Moorfield, Rahony, Seskinore, Tattymoyle, and Trillick.</p> <p>The Urban District of Omagh.</p>

PART III.

UNIVERSITY CONSTITUENCY.

Constituency.	Number of Members.
The Queen's University of Belfast - -	Four.

SECOND SCHEDULE.

A.D. 1929

ENACTMENTS REPEALED.

Section 8.

Session and Chapter or Date of Order.	Title or Short Title.	Extent of Repeal.
10 & 11 Geo. 5, c. 67.	The Government of Ireland Act, 1920.	Sub-section (3) of section fourteen from "except" to the end of the sub-section, save as respects elections for any university constituency where there are two or more members to be elected.
22nd April, 1921.	Order of His Majesty in Council, entitled "the Election Laws Application (House of Commons of Northern Ireland) Order, 1921."	Articles 4 and 8.
22nd April, 1921.	Order of His Majesty in Council, entitled "the Irish House of Commons (Proportional Representation) Order, 1921."	The whole Order.

A.D. 1928

The Representation of the People Act (Northern Ireland), 1928.

18 & 19 GEO. 5, CH. 24.

An Act to assimilate the franchises for men and women in respect of parliamentary and local government elections; to amend the law with respect to the parliamentary and local government franchises; and for purposes connected therewith. [4th December, 1928.]

Assimilation
of parlia-
mentary
franchise of
men and
women.
7 & 8 Geo. 5,
c. 64.

1.^[1] For the purpose of providing that the parliamentary franchise in respect of elections of members to serve in the Parliament of Northern Ireland shall be the same for men and women, sub-sections (1) and (2) of section four of the Representation of the People Act, 1918 (in this Act referred to as "the principal Act") shall be repealed in their application to such elections, and the following sections shall be substituted for sections one and two of that Act in their application as aforesaid:—

(Section to be substituted for the said section one.)

" .—(1) A person shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency), if he or she is of full age and not subject to any legal incapacity; and

(a) has the requisite residence qualification; or

(b) has the requisite business premises qualification; or

(c) is the husband or wife of a person entitled to be so registered in respect of a business premises qualification:

Provided that any incapacity of a peer, arising from the status of a peer, to vote at any election of

members to serve in the Parliament of Northern Ireland is hereby removed. **A.D. 1928**

(2) A person, in order to have the requisite residence qualification or business premises qualification for a constituency—

(a) must on the last day of the qualifying period

- be residing in premises in the constituency, or occupying business premises in the constituency, as the case may be; and

(b) must during the whole of the qualifying period have resided in premises, or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

(3) The expression 'business premises' in this section means land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered."

(Section to be substituted for the said section two.)

" . A person shall be entitled to be registered as a parliamentary elector for a university constituency if he or she is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at the university which forms the constituency."

A.D. 1928

[1] The Representation of the People Act, 1918, applies to the representation of Northern Ireland in the House of Commons of the United Kingdom, and, as so applying, was amended by 18 & 19 Geo. 5, c. 12, in terms similar to the terms of this Act. The Act of 1918 applies also to local government elections in Northern Ireland, but with certain amendments made by ss. 2 and 3 of this Act. Those sections are omitted here and noted in Appendix A, p. 582 below.

Amendment
of ss. 8 and 9
of principal
Act.

4.—(1) The following sub-section shall be substituted for sub-section (1) of section eight of the principal Act (which relates to the right of registered persons to vote):—

“(1) Every person registered as a parliamentary elector for any constituency, for the purpose of elections of members to serve in the Parliament of Northern Ireland, shall, while so registered (and in the case of a woman, notwithstanding sex or marriage) be entitled to vote at an election of a member to serve in the said Parliament for that constituency, but a person shall not, at a general election of members to serve in that Parliament, vote for more than one constituency for which he or she is registered by virtue of a residence qualification, or for more than one constituency for which he or she is registered by virtue of other qualifications of any kind.”

(2) The following sub-section shall have effect as if it were inserted in section nine of the principal Act (which relates to disqualifications) after sub-section (3) thereof:—

“(3A) A person shall not be entitled—

(a) to be registered in respect of a residence qualification, or to vote in respect of such qualification, as a parliamentary elector for the purpose of

any election of members to serve in the Parlia- **A.D. 1928**
ment of Northern Ireland; or

(b)^[1]

unless such person has, during the whole of the period of three years ending on the last day of the qualifying period, been resident in the United Kingdom: Provided that nothing in this sub-section shall affect the right of any person to be registered in pursuance of section five^[2] or the proviso to section six^[3] of this Act, or to vote if so registered, or the right of any person to be registered or to vote, if such person was born at some place which is situate within Northern Ireland."

[1] Paragraph (b) relates to local government electors. See Appendix A, p. 582 below.

[2] "section five." That section of the Act of 1918 relates to naval and military voters.

[3] "the proviso to section six." That proviso enacts a qualifying period of one month in the case of naval and military voters and certain ex-members of the forces of the Crown.

5. The amendments specified in the second column of the Schedule to this Act, being amendments consequential on the foregoing provisions of this Act, shall be made in the provisions of the principal Act specified in the first column of that Schedule. Conse-
quential
amendments.

6.—(1) Subject to the provisions of this Act, the register containing the names of persons entitled for the time being to vote as parliamentary electors at elections of members to serve in the Parliament of the United Kingdom for constituencies in Northern Ireland shall continue to be used as the register for the purposes of, and connected with, any election of members to serve in the Parliament of Northern Ireland. Register and
registration
of electors.

A.D. 1928

(2)^[1] The Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, prescribe forms to be used for the purposes of registration under the Representation of the People Acts, 1918 to 1922, and this Act, and make (with the approval of the Secretary of State) such alterations of the forms prescribed under section thirteen of the principal Act, or of the rules in force under that section, in their application to the parliamentary and local government franchises in Northern Ireland, as appear to the said Governor to be necessary or proper for the purpose of giving effect to the provisions of this Act.

18 & 19
Geo. 5, c. 12.

(3)^[2] The provisions of section six of the Representation of the People (Equal Franchise) Act, 1928, passed by the Parliament of the United Kingdom (which relate to the register of electors to be made in the year nineteen hundred and twenty-nine), and of any Order in Council made under sub-section (2) of that section, shall apply in Northern Ireland, so far as those provisions are applicable to matters with respect to which the Parliament of Northern Ireland has power to make laws, and are not in force in Northern Ireland by virtue of the said Act.

[1] For Orders in Council under this sub-section, see S. R. & O. (N.I.) 1929, No. 6.

[2] These provisions applied in Northern Ireland as respects the 1929 register for the U.K. Parliament, and this sub-section applied them also for the purposes of the Northern Ireland Parliament, so as to synchronise the qualifying period and registration calendar for that year. The first register based on the new franchises came into force on 1st May, 1929, and, in the case of Northern Ireland, continued in force until 15th December, 1930.

Short title
and con-
struction.

7.—(1) This Act may be cited as the Representation of the People Act (Northern Ireland), 1928, and shall be construed as one with the Representation of the

People Acts, 1918 to 1922; and those Acts, section **A.D. 1928**
 six of the Local Government Act (Northern Ireland), ^{12 & 13}
 1922, and this Act may be cited together as the ^{Geo. 5, c. 10}
 Representation of the People Acts (Northern Ireland),
 1918 to 1928.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland with respect to matters within the powers of the Parliament of Northern Ireland.

(3) Nothing in this Act shall affect the right of any person, or confer on any person any right, to be registered in the register of electors to be made in the year nineteen hundred and twenty-eight, or to vote at any time before the register of electors to be made in the year nineteen hundred and twenty-nine comes into operation.

(4) In this Act the expression "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

SCHEDULE.

Section 5.

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Provisions of Principal Act.	Amendments to be made.
Section 5.	In sub-section (3), for the words "the age required under this Act in the case of that person" there shall be substituted the words "full age."
Section 7.	In paragraph (b) of sub-section (1), for the words "parliamentary franchise of women" there shall be substituted the

A.D. 1928

Provisions of Principal Act.	Amendments to be made.
	<p>words "local government franchise (other than the company franchise)."</p> <p>In sub-section (3), for the word "man" there shall be substituted the word "person"; for the word "he" where it first and secondly occurs there shall be substituted the words "that person"; and for the words "the time when he so commenced to reside" there shall be substituted the words "the commencement of the residence."</p>
Section 22.	<p>In sub-section (2), the words "(except as provided in that Schedule)" shall be omitted.</p>
Schedule 2.	<p>In Part II, for the words "a man," where those words occur in No. 1 and No. 2, there shall be substituted the words "a person"; No. 3, including the Note thereto, shall be omitted; under the heading "Declarations at University Election" the words "<i>(In the case of a man)</i>" and the words "<i>(In the case of a woman)</i>"—"I have not voted at this general election for any other university constituency" shall be omitted.</p>
Schedule 5.	<p>In the Form of Voting Paper in Part I, the words "<i>(In the case of a man)</i>" and the words "<i>(In the case of a woman)</i>" that I have not voted at this general election for any other university constituency" shall be omitted.</p>

CHAPTER VIII

ADAPTATION ORDERS OF HIS MAJESTY IN COUNCIL

THE steps taken to adapt the law for the purposes of the Government of Ireland Act, 1920, and the Irish Free State (Consequential Provisions) Act, 1922, and to give full effect to those Acts, have been explained in Part I of this work, pp. 54-56. In this chapter the text of the Orders made by His Majesty in Council is set out in chronological arrangement, preceded by a short subject-index, which is based upon Table (A) in the Appendix to Part I of this work, pp. 73-75. Reference can also be made to Table (B) in that Appendix, pp. 76-84, which gives information as to substitutions to be made for Northern Ireland as respects Authorities, Funds, and certain other matters referred to in enactments of the United Kingdom Parliament.

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ELECTION LAWS (HOUSE OF COMMONS).

STATUTORY RULES AND ORDERS, 1921,

No. 731, dated 22nd April, 1921.

[Order recites s. 15 (1) of the Act of 1920.]

Short title
and interpre-
tation.
10 & 11
Geo. 5, c. 67.

1.—(1) This Order may be cited as the Election Laws Application (House of Commons of Northern Ireland) Order, 1921.

(2) In this Order, unless the context otherwise requires—

The expression “the Act” means the Government of Ireland Act, 1920;

The expression “existing” means existing at the third day of May, 1921.

The expression “laws” includes any orders, rules and regulations made under any existing Act and in force in Northern Ireland at the said date.

52 & 53
Vict., c. 63

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this order in like

manner as it applies for the interpretation of an Act of Parliament.

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2. The existing election laws^[1] (other than those relating to the registration of electors, to the creation of polling districts, or to commissions of inquiry under the Election Commissioners Act, 1852),^[2] save where inconsistent with the Act or the provisions in any other Order in Council made under the Act, shall in their application to electors and elections of members to serve in the House of Commons of Northern Ireland have effect, subject to the adaptations and modifications in this order.

General.

15 & 16
Vict., c. 57.

[¹] "existing election laws." For interpretation of this expression see s. 74 of the Act of 1920 in Chapter I above.

[²] "registration of electors. . . ." The register of electors who elect members from N.I. to Westminster is used. See Chapter VII above, and S. R. & O. 1924, No. 927, in this chapter below. As to polling districts, see 19 Geo. 5, c. 5 (N.I.), s. 6 (b) (c), at p. 348 in Chapter VII above.

3. In those laws:—

- (a) references to Parliament shall be construed as references to the Parliament of Northern Ireland, and the expression "parliamentary" shall be construed accordingly;
- (b) references to the House of Commons shall be construed as references to the House of Commons of Northern Ireland, and references to each, either, or both of the Houses of Parliament shall be construed as references to each, either, or both Houses of the Parliament of Northern Ireland;
- (c) references to the Speaker or Deputy Speaker of the House of Commons shall be construed as references to the person holding the corresponding office, by whatever title designated, in the House of Commons of Northern Ire-

References to Parliament, House of Commons, Speaker, and election.

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land, and references to the clerk or other officer of the House of Commons shall be construed as references to the person holding a corresponding office, by whatever title designated, in the House of Commons of Northern Ireland;^[1]

- (d) provisions as to an election of members to serve in a new Parliament of the United Kingdom shall apply to an election of members to serve in the first as well as to an election of members to serve in any new Parliament of Northern Ireland, and the expression "general election" shall be construed accordingly:

^[2] Provided that—

I. The foregoing provisions of this article shall not apply to references to Parliament or to the House of Commons, or to either or both of the Houses of Parliament, where they occur in relation to the provision of money by Parliament under section twenty-eight of the Parliamentary Elections Act, 1868, or in relation to the laying of documents before Parliament and proceedings consequential thereon, or in the expressions "Act of Parliament," "Acts of Parliament," or "Common Law of Parliament."

II. In section one of the Election of Members during Recess Act, 1858, the expression "previous determination of the House of Commons" shall be construed as meaning a previous determination of the House of Commons of the United Kingdom and not of the House of Commons of Northern Ireland, and section four of the said Act shall not apply.

31 & 32
Vict., c. 125.

21 & 22
Vict., c. 110

III. The provisions of paragraph (2) of section thirty-eight of the Parliamentary Elections Act, 1868, and of any other enactments as to proceedings consequential upon a member of the House of Commons becoming a peer of Great Britain, shall not apply. 1921
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IV. In section six of the Ballot Act, 1872, the expression "moneys provided by Parliament" means moneys provided either by the Parliament of the United Kingdom or by the Parliament of Northern Ireland; and in paragraph (d) of section twenty of the Corrupt and Illegal Practices Prevention Act, 1883, the expression "parliamentary grant" shall be construed in a similar manner. 35 & 36
Vict., c. 33.

[¹] "Speaker . . . Deputy Speaker . . . Clerk." The persons holding the corresponding offices in the H. of C. of N.I. are designated by the same titles as are in use at Westminster.

[²] As this Order in Council was made before the Parliament of N.I. obtained, by virtue of s. 14 (5) of the Act of 1920, power to alter election laws, it is possible that some of the exceptions made by this proviso ought to be reviewed, *e.g.*, "laying of documents before Parliament." Some of them would still hold good, *e.g.*, provision of judge's expenses under the Act of 1868, references to "Chiltern Hundreds" in s. 4 of the Act of 1858, "common law of Parliament," and peerage disqualification.

4. [*Repealed by 19 Geo. 5, c. 5 (N.I.), s. 8 (1) and 2 Sched.*] .

5. In those laws references to the Consolidated Fund of the United Kingdom shall be construed as references to the Consolidated Fund of Northern Ireland; but this provision shall not affect the construction of section fifty-eight of the Corrupt and Illegal Practices Prevention Act, 1883, or section twenty-nine of the Representation of the People Act, 1918, as amended by References
to the
Consolidated
Fund.

7 & 8 Geo. 5,
c. 64.

1921**No. 731**9 & 10 Geo. 5,
c. 8.

the Representation of the People (Returning Officers' Expenses) Act, 1919, in their application to expenses, charges, or costs incurred in connection with any election held prior to the establishment of the Consolidated Fund of Northern Ireland.^[1]

[1] "but this provision . . . Consolidated Fund of Northern Ireland." These words were operative as respects the first election of 1921, which was held before the Consolidated Fund of N.I. was established, that is, before 7th June, 1921; they are now spent.

References
to Supreme
Court, Lord
Chancellor of
G.B., etc.

6. — (1) In those laws references to the Supreme Court of Judicature in Ireland, and to any division or court thereof, shall, from and after the establishment of the Supreme Court of Judicature of Northern Ireland, be construed respectively as references to the Supreme Court of Judicature of Northern Ireland, and to the corresponding divisions or courts thereof, and references to the Attorney General for Ireland shall, from and after the time when an Attorney General or officer with similar functions is appointed for Northern Ireland, be construed as references to such Attorney General or officer.

(2) In sub-section (6) of section thirty-eight of the Corrupt and Illegal Practices Prevention Act, 1883, any reference to the Lord High Chancellor of Great Britain shall, from and after the establishment of the said Supreme Court, be construed as a reference to the Lord Lieutenant.^[1]

(3) Any references in those laws to courts at Westminster shall be construed as references to the Supreme Court for the time being having jurisdiction in Northern Ireland.

[1] "Lord Lieutenant." Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, 1 Sched. 1 (1). The adapted sub-section relates to removal from the commission of the peace of justices guilty of corrupt practices.

7.—(1) In those laws—

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References
to depart-
ments, Clerk
of the Crown,
and Gazette.

- (a) references to the Local Government Board for Ireland, or to any other department of the United Kingdom Government, if they occur in relation to any functions which under or in pursuance of the Act are transferred to any department of the Government of Northern Ireland or to another department of the United Kingdom Government, shall, from and after such transfer, be construed as references to the department to which they are transferred;
- (b) references to the Clerk of the Crown shall be construed as references to the Clerk of the Crown and Hanaper.⁽¹⁾

(2) In section seven of the Recess Elections Act, 1784, references to the Clerk of the Crown in Chancery shall be construed as references to the Clerk of the Crown and Hanaper.⁽¹⁾

24 Geo. 3,
sess. 2, c. 26.

(3) Notices or other documents required under those laws to be published in the London Gazette, shall, subject as hereinafter provided, be published in the Dublin Gazette.⁽²⁾

(4) Notices or other documents required under those laws or the last preceding sub-section to be published in the Dublin Gazette shall, when a Gazette is printed under the authority of the Government of Northern Ireland, be published instead in that Gazette if they relate to Northern Ireland.⁽²⁾

[¹] "Clerk of the Crown and Hanaper." Now the Clerk of the Crown for Northern Ireland. Compare Art. 5 of S. R. & O. 1924, No. 927, in this chapter below.

[²] Documents to which these provisions apply are published in the Belfast Gazette, which periodical first appeared on 7th June, 1921.

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Taking of
Oath.
29 & 30
Vict., c. 19.

8. [*Repealed by 19 Geo. 5, c. 5 (N.I.), s. 8 (1) and 2 Sched.*]

9. Unless and until standing orders⁽¹⁾ are made by the House of Commons of Northern Ireland for the purposes of section three of the Parliamentary Oaths Act, 1866, the oath required to be made and subscribed by every member of the House shall be made and subscribed at such hours and according to such regulations as the Speaker, or person holding in that House the office corresponding to the office of Speaker, may direct.

[¹] "standing orders." Standing Orders were first made by the House on 7th June, 1921. The following Orders are at present (1933) in force (H.C. 195, 1930):—

"77. Members may take and subscribe the oath required by law at any time during the sitting of the House, before the orders of the day and notices of motion have been entered upon, or after they have been disposed of; but no debate or business shall be interrupted for that purpose.

78. Every person returned as a member of this House, who may claim to be a person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath, shall be permitted, without question, to make and subscribe a solemn affirmation in the form prescribed by the Parliamentary Oaths Act, 1866, as altered by the Promissory Oaths Act, 1868, subject to any liability by statute."

The above Article 9 is therefore spent. •

Issue and
return of
writs for
a new
Parliament.
40 Geo. 3,
c. 29, Irish.

39 & 40
Geo. 3, c. 67.

10. The provisions of an Act of the Parliament of Ireland entituled "An Act to regulate the mode by which the Lords Spiritual and Temporal, and the Commons to serve in the Parliament of the United Kingdom on the part of Ireland shall be summoned and returned to the said Parliament" as the same are recited and enacted in section two of the Union with

Ireland Act, 1800, shall, so far as they relate to the issue and return of writs for the election of members to serve in the Parliament of the United Kingdom, be adapted in the manner and to the extent necessary for the purpose of being read as follows:—

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“When the Lord Lieutenant^[1] in His Majesty's name, by proclamation under the Great Seal of Ireland, summons the first Parliament of Northern Ireland, or summons a new Parliament of Northern Ireland, the Lord Lieutenant^[1] shall cause writs to be issued to the several constituencies in Northern Ireland named in Part II of the Fifth Schedule to the Government of Ireland Act, 1920,^[2] for the election of members to serve in the Parliament of Northern Ireland according to the numbers set forth in that Part of that Schedule, and whenever any vacancy of a seat in the House of Commons of Northern Ireland for any of the said constituencies arises by death or otherwise, the Lord Lieutenant,^[1] upon such vacancy being certified to him by the proper certificate or instrument, shall forthwith cause a writ to be issued for the election of a person to fill up such vacancy; and such writs and the returns thereto respectively, being returned into the Office of the Clerk of the Crown and Hanaper,^[3] shall be certified to the House of Commons of Northern Ireland in the same manner as returns to writs for the election of members to serve in the House of Commons of the United Kingdom are certified to that House.”

[1] “the Lord Lieutenant.” Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, 1 Sched. 1 (1)—see Chapter III above. The first Parliament of N.I. was summoned by the Lord Lieutenant, the office of Governor not being constituted at that time.

[2] “Part II of the Fifth Schedule to the Government of Ireland Act, 1920.” So much of that Schedule as related to constituencies and number of members for the N.I.

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Parliament has been superseded by 19 Geo. 5, c. 5 (N.I.); as to the writs of election, see s. 2 (4) of that Act, which impliedly adapts the Article to which this note refers. The present constituencies are the parliamentary boroughs, parliamentary counties, and university mentioned in the First Schedule to the Act of 19 Geo. 5. See also Chapter VII above.

[³] "Clerk of the Crown and Hanaper." Now the Clerk of the Crown for Northern Ireland. See note [¹] on Art. 7 above.

SUPREME COURT.

STATUTORY RULES AND ORDERS, 1921,
No. 1802, dated 21st November, 1921.

[Order recites ss. 69 and 38 of the Act of 1920.]

Short title,
interpre-
tation, and
general
adaptation.
10 & 11
Geo. 5, c. 67.

1.—(1) This Order may be cited as the Supreme Court of Judicature (Northern Ireland) Order, 1921, and shall have effect subject to any subsequent Order in Council under the Government of Ireland Act, 1920.

(2) In this Order, unless the context otherwise requires—

(a) "The Act" means the Government of Ireland Act, 1920.

(b) "The appointed day"^[1] means the day appointed under Section 73 of the Act for the establishment in Ireland of the Courts authorised by Section 38 of the Act.

(3) The Interpretation Act, 1889, applies for the purposes of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

(4) The General Adaptation of Enactments (Northern Ireland) Order, 1921, shall apply to the Supreme Court of Judicature in Northern Ireland as from the appointed day.

52 & 53
Vict., c. 63.

S.R. & O.
1921,
No. 1804.

[¹] "The appointed day" means 1st October, 1921, by virtue of S. R. & O. 1921, No. 1527. This order was first made on 27th September, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 14th October, 1921. For s. 38 of the Act of 1920 see Chapter I above.

1921
No. 1802

2.—(1) References in any enactment to the Lord Chancellor of Ireland, to the Supreme Court of Judicature in Ireland, and to any Division, Court, Judge, Officer or Office of that Supreme Court shall from and after the establishment of the Supreme Court of Judicature of Northern Ireland in the manner provided by Section 38 of the Act, be construed respectively as references to the Lord Chief Justice of Northern Ireland, to the Supreme Court of Judicature of Northern Ireland, and to the Division, Court, Judge, Officer or Office thereof exercising corresponding jurisdiction or powers in Northern Ireland. Provided that in Section 4 of the Railway and Canal Traffic Act, 1888, and in the Schedule to the War Pensions (Administrative Provisions) Act, 1919, references to the Lord Chancellor of Ireland shall be construed as references to the Lord Lieutenant acting after consultation with the Lord Chief Justice of Ireland and the Lord Chief Justice of Northern Ireland.^[1]

Adaptation
of references
to Lord
Chancellor,
Courts, and
Attorney-
General; and
of certain
provisions
and expres-
sions.

51 & 52
Vict., c. 25.

9 & 10
Geo. 5, c. 53.

(2) References in any enactment to the Attorney-General for Ireland shall from and after such establishment be construed as references to the Attorney-General for Northern Ireland, except that the Lord Lieutenant^[2] may, if he thinks fit, appoint some other person to act instead of the Attorney-General for Northern Ireland in relation to any matters which are not for the time being within the powers of the Government of Northern Ireland, and in that case the references shall in relation to those matters be construed as references to the person so appointed.

1921
No. 1802

(3) References in any enactment to the Lord Chancellor of Ireland intrusted for the time being by virtue of the Royal Sign Manual with special jurisdiction in lunacy, shall, from and after such establishment, be construed as references to the Lord Chief Justice of Northern Ireland for the time being intrusted in the like manner with the like jurisdiction in lunacy in Northern Ireland; and references in any enactment to the Lunacy Office, to the Registrar in Lunacy and to other Officers of or attached to that Office shall, from and after such establishment, be construed respectively as references to the Lunacy Office in Northern Ireland, to the Registrar in Lunacy in Northern Ireland, and to the Officers of, or attached to, that office.^[3]

(4) Where a provision or expression occurring in any of the said enactments has been amended, altered or adapted by or in pursuance of any of the subsequent enactments this Order shall be read as referring to the provision or expression as so amended, altered or adapted.

[1] "Provided that . . . Northern Ireland." This proviso was revoked by S. R. & O. 1923, Nos. 359 and 612, in this chapter below, and different provisions were made by those Orders.

[2] "Lord Lieutenant." Now the Governor of Northern Ireland, by virtue of 13 Geo. 5, sess. 2, c. 2, 1 Sched. 1 (1) —see Chapter III above.

[3] For enactments as to this jurisdiction see the Lunacy Regulation (Ireland) Act, 1871 (34 & 35 Vict., c. 22), and the Mental Treatment Act (Northern Ireland), 1932 (22 & 23 Geo. 5, c. 15 (N.I.)).

Chancery
Judge,
Officers,
writs, forms,
and modi-
fications of
40 & 41
Vict., c. 57.

3. The following provisions and adaptations shall after the establishment of the Supreme Court of Judicature of Northern Ireland have effect in relation thereto:—

(1) The Lord Chief Justice of Northern Ireland may, **1921**
by writing under his hand, assign to any Officer of or **No. 1802**
attached to the said Court, any jurisdiction, powers,
duties or functions which immediately before the
appointed day were exercised or performed by any
Officer of the Supreme Court of Judicature in Ireland;
and by virtue of such assignment such first-mentioned
Officer shall be deemed to be an Officer exercising
jurisdiction or powers corresponding with those of
such second-mentioned Officer, within the meaning
of Article 5 (1) of the General Adaptation of Enact-
ments (Northern Ireland) Order, 1921.

(2) The Lord Chief Justice of Northern Ireland shall
assign to one of the Judges of the High Court of Justice
in Northern Ireland (hereinafter called "The Chancery
Judge") all such business and matters as were by any
of the Judicature (Ireland) Acts, 1877 to 1907, assigned
to the Chancery Division of the High Court of Justice
in Ireland. Any references in any Act to the Land
Judges of the Chancery Division shall be construed as
references to the said Chancery Judge.

(3) Every Writ of Summons issued in Northern Ire-
land shall be tested in the name of the Lord Chief
Justice of Northern Ireland, or, if the office of Lord
Chief Justice of Northern Ireland be vacant, in the
name of the Senior Lord Justice of Appeal in Northern
Ireland for the time being.

(4) The forms contained in the Appendices to the
Rules of the Supreme Court of Judicature in Ireland,
dated the 22nd day of February, 1905, shall be used
in the cases in which they are applicable, with such
modification as may be necessary by reason of the
provisions of the Act and of this Order.

S. R. & O.
1905,
No. 409.

(5) The Supreme Court of Judicature Act (Ireland),
1877, shall be read with the following adaptations and
modifications:—

40 & 41
Vict., c. 57.

1921
No. 1802

- (a) In Section 33 the words directing the Judge to have regard to the comparative cost and convenience of proceedings in Ireland shall be read distributively with reference to Southern and Northern Ireland respectively;^[1]
- (b) Section 43 shall be construed as applying to all the Judges of the Supreme Court of Judicature in Northern Ireland;^[2]
- (c) Section 56 shall be read as if the following words were substituted for the first sentence therein :

Every appeal to the Court of Appeal in Northern Ireland may, whether the subject-matter of the appeal is a final or an interlocutory order, decree or judgment, be heard before not less than two judges of the said Court sitting together.

[¹] Section 33 of the Act of 1877 relates to service upon defendants outside the jurisdiction.

[²] Section 43 of the Act of 1877 relates to the rota of judges for parliamentary election petitions.

Rules
Committee
for Northern
Ireland.

60 & 61
Vict., c. 66.

4. In giving effect to Section 61 of the Supreme Court of Judicature Act (Ireland), 1877, as amended by Section 12 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, the following adaptations shall be made:—

The persons upon whose recommendation the Lord Lieutenant^[1] may make, alter, or annul rules, under the first-mentioned section, shall be a majority of all the judges of the Supreme Court of Judicature in Northern Ireland for the time being (of which the Lord Chief Justice of Northern Ireland shall be one), and shall include one Barrister and one Solicitor (respectively practising in Northern Ireland), to be appointed for the purpose by the said Lord Chief Justice, by writing

under his hand, for such time as may be specified by him.^[2]

1921

No. 1802

[1] "Lord Lieutenant." Now the Governor of Northern Ireland. See note [2] on Art. 2 above.

[2] As to the Supreme Court rule-making authority, see also the enactments reviewed in Chapter V above.

5. Section 11 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, shall be adapted to read as follows:—The powers, functions, matters and things mentioned in Section 4 of the Supreme Court of Judicature (Ireland) Act, 1887, may be exercised and done by the Lord Chief Justice of Northern Ireland, subject to the conditions referred to in the said section.

Exercise of certain functions by Lord Chief Justice.

50 & 51
Vict., c. 6.

6. In the application of Section 73 of the Supreme Court of Judicature Act (Ireland), 1877, to the first appointments of Officers of the Supreme Court of Judicature in Northern Ireland or Officers of the High Court of Justice in Northern Ireland, or attached to the said Court or to any Division thereof, the following provisions shall have effect:—

First appointment of Officers.

(a) All such Officers shall be appointed by the Lord Chief Justice of Northern Ireland.

(b) The direction contained in the said section as to appointment by competition in the case of junior clerkships shall not apply to any appointments made within a period of two months from the appointed day.

7. References in Sections 4, 5, and 6 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, to "one of the Judges of the Queen's Bench Division to be assigned by the Lord Lieutenant," shall respectively be construed as references to one of the Judges of the High Court of Justice in Northern Ireland to be assigned by the Lord Chief Justice of Northern Ireland.

Bankruptcy, Probate and Matrimonial, and Admiralty business.

1921**No. 1802**

Appeals
from county
courts for
Belfast
and Antrim.

14 & 15
Vict., c. 57.
45 & 46
Vict., c. 29.
52 & 53
Vict., c. 48.

Cases stated
in county
court
appeals.
27 & 28
Vict., c. 99.

References
to Four
Courts,
Dublin.

References
to Dublin
Gazette.

Jury
summonses.
34 & 35
Vict., c. 65.

Probate and
Matrimonial
causes and
matters.

8. References (as to appeals) in Sections 132–133 of the Civil Bill Courts (Ireland) Act, 1851, in Section 7 of the County Court Amendment (Ireland) Act, 1882, and in Section 11 of the County Court Appeals (Ireland) Act, 1889, shall have effect in Northern Ireland as if in the said sections there were substituted for the words “Recorder of Dublin” or “Chairman of the County of Dublin” the words “Recorder of Belfast and County Court Judge of Antrim,” and for the words “County or County of the City of Dublin” the words “City of Belfast” and “County of Antrim.”

9. Sections 35, 36, and 37 of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, shall have effect in Northern Ireland as if for the several references therein to the Superior Courts of Common Law there were substituted references to the Court of Appeal for Northern Ireland.

10. References in any existing Act, Rule, or Order to the “Four Courts, Dublin,” in relation to any matter of judicature, shall be construed as references to the County Courthouse, Belfast, or to such other Court-house as may from time to time be appointed or used for the sittings of the Supreme Court of Judicature in Northern Ireland.

11. References to publication in the Dublin Gazette shall be construed as references to publication in the Belfast Gazette.

12. Section 22 of the Juries (Ireland) Act, 1871, as to the service of jury-summonses by post, shall apply as if for the references therein to the county of the city of Dublin there were substituted references to the county of the city of Belfast.

13. In any existing Acts, Order, or Rule relating to the jurisdiction of the Supreme Court of Judicature in Ireland in Probate or Matrimonial causes or matters,

references to "the principal registry," or to the Registrar or Registrars thereof, shall respectively be construed as references to the Registry in Belfast, attached to the Supreme Court of Judicature in Northern Ireland, and to such Officer or Officers thereof as the Lord Chief Justice of Northern Ireland may assign.

1921
No. 1804

14. References in Section 27 of the Parliamentary Elections Act, 1868, to "the prescribed Officer" shall be construed as references to such Officer of the Supreme Court of Judicature in Northern Ireland as the Lord Chief Justice of Northern Ireland may assign.

Parliamentary
election
petitions.
31 & 32
Vict., c. 125.

GENERAL ADAPTATION OF ENACTMENTS.

STATUTORY RULES AND ORDERS, 1921,
No. 1804, dated 21st November, 1921.

[Order recites s. 69 of the Act of 1920.]

1.—(1) This Order may be cited as the General Adaptation of Enactments (Northern Ireland) Order, 1921.

Short title
and interpretation.

(2) In this Order, unless the context otherwise requires—

10 & 11
Geo. 5, c. 67.

The expression "the Act" means the Government of Ireland Act, 1920.

The expression "day of transfer" means, in relation to any Irish service, the day appointed for the transfer of that service as respects Northern Ireland from the Government of the United Kingdom.^[1]

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

52 & 53
Vict., c. 63.

1921
No. 1804

[¹] For the various days appointed for the transfer of services see s. 73 of the Act of 1920, and notes thereon, in Chapter I above. This order was first made on 27th September, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66)—see Belfast Gazette, 14th October, 1921.

For definition of Irish services, see s. 8 (8) of the Act of 1920 in Chapter I above.

General.

2.—(1) The enactments relating to or affecting Irish services shall, in their application to Northern Ireland, have effect in relation to anything done on or after the day of transfer or to be done on or after that day with the modifications and adaptations set out in this Order, save where inconsistent with the Act or the provisions of any subsequent Order in Council under the Act and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by that Parliament.

(2) Save as otherwise expressly provided in this Order, the said modifications and adaptations shall apply only as respects matters within the powers of the Parliament of Northern Ireland.

Parliament
and
Houses of
Parliament.

3. References to Parliament, and to each, either, or both of the Houses of Parliament shall, from and after the day of transfer, be construed respectively as references to the Parliament of Northern Ireland, and to each, either, or both of the Houses of that Parliament, and the expression "parliamentary" shall be construed accordingly:

Provided that references to matters or things authorised or constituted by Act of Parliament shall be construed as references to matters or things authorised or constituted by Act either of the Parliament of the United Kingdom or of the Parliament of Northern Ireland.

4.—(1) References to any department or authority of the United Kingdom Government, if they occur in relation to functions which under or in pursuance of the Act are transferred as respects Northern Ireland to any department, branch of a department,^[1] or authority of the Government of Northern Ireland, shall, from and after the day of transfer, be construed as references to the department, branch,^[1] or authority to which they are transferred; and references to the Chief Secretary, if they occur in relation to any such functions, shall be construed as references to the appropriate Minister of Northern Ireland.

**1921
No. 1804**
Departments, Chief Secretary of Ireland and Under Secretary.

(2) Provisions with respect to the Under Secretary to the Lord Lieutenant shall cease to have effect after the day of transfer.

[1] "branch of a department." References to branches have ceased to have effect, by virtue of 12 Geo. 5, c. 6 (N.I.), s. 1 (2). See that statute in Chapter VI above.

5. References to the Lord Chancellor of Ireland, to the Supreme Court of Judicature in Ireland, and to any Division, Court, Judge, Officer, or Office of that Supreme Court shall, from and after the establishment of the Supreme Court of Judicature of Northern Ireland (whether before or after the day of transfer), be construed respectively as references to the Lord Chief Justice of Northern Ireland, to the Supreme Court of Judicature of Northern Ireland, and to the Division, Court, Judge, Officer, or Office thereof exercising corresponding jurisdiction or powers in Northern Ireland.

Lord Chancellor, Supreme Court, Judges and Officers.

6.—(1) References to the Consolidated Fund, to the Exchequer, and to the Comptroller and Auditor-General shall, from and after the day of transfer, be construed respectively as references to the Consolidated Fund of Northern Ireland, to the Exchequer of Nor-

Consolidated Fund, Exchequer, Comptroller, and special Funds.

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No. 1804

thern Ireland, and to the Comptroller and Auditor-General of Northern Ireland.^[1]

(2) Provisions with respect to the Local Taxation (Ireland) Account,^[2] the Guarantee Fund, or the Ireland Development Grant, shall cease to have effect after the day of transfer.

[¹] For the arrangements made as respects the Consolidated Fund, Exchequer, and Comptroller and Auditor-General, see Chapter VI above, and pp. 44-47 in Part I of this work.

[²] "Local Taxation (Ireland) Account." For legislation of the Northern Ireland Parliament see 13 & 14 Geo. 5, cc. 23, 30, 31; 14 & 15 Geo. 5, c. 6; 17 & 18 Geo. 5, c. 4; 20 & 21 Geo. 5, c. 9.

Dublin
Gazette,
Dublin, and
Ireland.

7. From and after the day of transfer:—

- (a) References to the Dublin Gazette shall be construed as references to the Belfast Gazette;
- (b) References to Dublin, where they occur in relation to Superior Courts or in relation to Officers or Offices whose functions are as respects Northern Ireland transferred to the Government of Northern Ireland, shall be construed as references to Belfast;
- (c) References to Ireland, where they occur in relation to counties or other areas of local jurisdiction or government in Ireland, shall be construed as references to Northern Ireland.

Adaptation
of amended
enactments.

8. Where a provision or expression occurring in any of the said enactments has been amended, altered, or adapted by or in pursuance of any of the subsequent enactments this Order shall be read as referring to the provision or expression as so amended, altered, or adapted.

Adaptation
of statutory
orders,
schemes,
rules, etc.

9. The adaptations and modifications set out in the foregoing articles of this Order shall apply to any order,

scheme, rule, or regulation made under any of the said enactments and in force in Northern Ireland immediately before the day of transfer in like manner as they apply to the enactment under which it was made; and any such order, scheme, rule, or regulation shall continue in force in Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made under the said enactment as so modified and adapted.^[1]

[¹] See also p. 414 below.

10. There shall be made in every local and personal Act such adaptations and modifications as may be required to bring it into conformity with the provisions of this Order.

1922
No. 77
Adaptation
of local
Acts.

ADAPTATION OF ENACTMENTS (No. 1).

STATUTORY RULES AND ORDERS, 1922,

No. 77, dated 31st January, 1922.

[Order recites s. 69 (a) and (b) of the Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of Enactments) (No. 1) Order, 1922.

Citation and
interpre-
tation.

(2) In this Order the expression “appointed day” means the twenty-second day of November, nineteen hundred and twenty-one.^[1]

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

52 & 53
Vict., c. 63.

[¹] This Order was first made on 21st November, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 2nd December, 1921, and pp. 41 and 55 in Part I of this work.

2.—(1) As from the appointed day the enactments hereinafter mentioned shall have effect subject to the modifications and adaptations set out in this Order,

General.

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No. 77

10 & 11
Geo. 5, c. 67.

S. R. & O.
1921,
No. 1804.

Enactments
as to Com-
missioners
of Public
Works.

10 & 11
Vict., c. 32.

Petty
Sessions
districts,
backing
of warrants,
fugitive
offenders,
Petty
Sessions
Clerks Fund.

save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.

(2) Subject to the express modifications and adaptations made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments.

[¹] For this general Order see p. 403 above in this chapter.

3.—(1)^[1]

(2) In section six of the first-mentioned Act the words "in Dublin" shall cease to have effect.^[2]

(3) In section nineteen of the Landed Property Improvement (Ireland) Act, 1847, "in Belfast" shall be substituted for "in Dublin."^[3]

[¹] Sub-section (1) of this Article made provision for the appointment by the Lord Lieutenant of Commissioners of Public Works in Northern Ireland. It ceased to have effect by virtue of 12 Geo. 5, c. 6 (N.I.), set out in Chapter VI above.

[²] S. 6 of 1 & 2 Will. 4, c. 33, contained a reference to meetings and sittings of Commissioners of Public Works in Dublin. See note [¹] above.

[³] This relates to giving notice in newspapers of applications for loans, and to the forwarding of objections thereto.

4.—(1) In the Summary Jurisdiction (Ireland) Acts, references to adjoining counties shall be construed as references to [counties in Southern Ireland which adjoin one another, or to] counties in Northern Ireland which adjoin one another.^[1]

(2) Any Petty Sessions district which, consists of **1922**
townlands of a county in Northern Ireland and town- **No. 77**
lands of an adjoining county in Southern Ireland shall,
as from the appointed day, be divided into two Petty
Sessions districts, one consisting of the Northern Ire-
land townlands and the other consisting of the Southern
Ireland townlands, and the place and times for the
holding of Petty Sessions for each such district shall,
until a place and times have been fixed pursuant to
the Petty Sessions (Ireland) Act, 1851, be such as may
be determined by the Lord Lieutenant;^[2] and until a
Petty Sessions clerk has been appointed for the dis-
trict, the powers and duties of the Petty Sessions clerk
shall be exercised and performed by a person nomin-
ated by the Lord Lieutenant.^[2]

14 & 15
Vict., c. 93.

(3) The powers and duties of the Inspector-General
of the Royal Irish Constabulary^[3] under the Petty
Sessions (Ireland) Act, 1851, or any other enactment
in relation to the backing of warrants may, in the
case of warrants issued in any county or place in Nor-
thern Ireland and requiring to be backed for execution
elsewhere in Northern Ireland, be exercised and per-
formed by any officer of the Royal Irish Constabulary
who may be designated for the purpose by the Lord
Lieutenant, and any such warrants may be certified
and transmitted to any officer so designated instead
of to the Inspector-General.

(4) Paragraph (3) of section thirty of the Fugitive
Offenders Act, 1881, shall have effect with the substi-
tution of "Southern Ireland" for "Ireland," and with
the addition of the following words at the end thereof,
namely, "in Northern Ireland by a Resident Magis-
trate having jurisdiction in Belfast and."^[4]

44 & 45
Vict., c. 69.

(5) In the Petty Sessions Clerks (Ireland) Act, 1881,
and any other enactment relating to Petty Sessions
Clerks or the Registrar of Petty Sessions Clerks

44 & 45
Vict., c. 18.

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No. 77

references to the Petty Sessions Clerks Fund shall, as respects Northern Ireland, be construed as references to the Petty Sessions Clerks (Northern Ireland) Fund, and there shall be transferred to the last-mentioned fund so much of the first-mentioned fund as may be apportioned to the Government of Northern Ireland.^[5]

[1] The expression "Summary Jurisdiction (Ireland) Acts" means 14 & 15 Vict., c. 93, and any Act, past or future, amending the same — 52 & 53 Vict., c. 63, s. 13 (9) (10).

As to "adjoining counties," see, especially, s. 11 of 14 & 15 Vict., c. 93. The words in square brackets appear to be inoperative.

[2] "Lord Lieutenant." Now the Governor of Northern Ireland.

[3] "Inspector-General of the Royal Irish Constabulary." These powers and duties of the Inspector-General were, by 12 & 13 Geo. 5, c. 8 (N.I.), s. 7 (1) (f), given to certain officers of the Royal Ulster Constabulary (established by that statute), and warrants requiring to be backed for execution may be certified and transmitted to any of those officers. The provisions of this sub-section do not apply.

As to the disbandment of the R.I.C., see 12 & 13 Geo. 5, c. 55, in Chapter II above.

[4] This adaptation relates to the jurisdiction, under Part I of the Act of 1881, to hear a case and commit a fugitive to prison to await his return to the part of H.M. dominions from which he is a fugitive.

[5] As to the Petty Sessions Clerks (Northern Ireland) Fund, see "Clerk of Petty Sessions," heading 2, Index of the Statutes in force affecting Northern Ireland. The fund (including the part apportioned under Joint Exchequer Board Order of 4th December, 1922) is vested in the Ministry of Home Affairs.

Special
Constables
Acts.
2 & 3 Will. 4,
c. 108.

5. — (1) In the Special Constables (Ireland) Act, 1832,^[1] references to Ireland shall be construed as references to [Southern Ireland or] Northern Ireland, [as the case requires,] and references to an adjoining

county shall be construed as references to [a county in Southern Ireland adjoining a county in Southern Ireland, or to] a county in Northern Ireland adjoining a county in Northern Ireland, [as the case requires].

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(2) The Special Constables Act, 1914,^[2] in its application to Northern Ireland, shall have effect subject to the following adaptation, namely, references to His Majesty shall, so far as respects matters within the powers of the Parliament of Northern Ireland, be construed as references to the Lord Lieutenant.

4 & 5 Geo. 5,
c. 61.

(3) The Special Constables (Ireland) Order, 1915,^[3] in its application to Northern Ireland, shall have effect subject to the following adaptations, namely:—

S.R. & O.
1915,
No. 207.

- (a) the expression "police authority" shall mean such officer or officers as may be designated by the Minister of Home Affairs for Northern Ireland;
- (b) the expression "police fund" shall mean such fund as may be provided by the Parliament or Government of Northern Ireland;

but nothing in this provision shall affect the payment of any expenses incurred before the twenty-second day of November, 1921, in pursuance of the said Order or the grant or payment of any pensions or allowances on account of injuries received before that day.

[¹] This Act provides for the appointment of special constables in cases where it appears "that any tumult, affray, riot, or felony has taken place or may be reasonably apprehended." S. 6 of the statute relates to the acting of constables in an "adjoining county." The words in square brackets appear to be inoperative.

[²] As to the extension and amendment of this Act in its application to Northern Ireland, see 12 & 13 Geo. 5, c. 8 (N.I.), s. 8.

[³] The Order of 1915 was revoked by S. R. & O. (N.I.) 1922, No. 79. See also note [²] above.

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Addresses to
His Majesty,
annulment
of Orders,
"Act of
Parliament."

6. In the application to Northern Ireland of any enactment relating to or affecting Irish services—

(a) references to His Majesty and to His Majesty in Council, where they occur in relation to the presentation of addresses to His Majesty by Parliament or by both or either of the Houses of Parliament, or in relation to the annulment of orders, rules, or regulations by His Majesty or by His Majesty in Council, whether on the presentation of such addresses or otherwise, shall, as respects matters within the powers of the Parliament of Northern Ireland, be construed respectively, from and after the day appointed for the transfer of the services for the administration of those matters to the Government of Northern Ireland, as references to the Lord Lieutenant and to the Lord Lieutenant in Council;^[1]

(b) the expression "Act of Parliament," save where the context otherwise requires, means, as respects Northern Ireland, an Act either of the Parliament of the United Kingdom or of the Parliament of Northern Ireland.^[2]

[¹] "Lord Lieutenant . . . Lord Lieutenant in Council." Now the Governor, and the Governor in the Privy Council of Northern Ireland. See 13 Geo. 5, sess. 2, c. 2, 1 Sched. 1, 2.

[²] This adaptation is necessary in view of the continuance of "existing laws" in Northern Ireland under s. 61 of the Act of 1920. See that section in Chapter I above.

For definition of Irish services, see s. 8 (8) of the Act of 1920 in Chapter I above.

7. [*Revoked by art. 3 (2) of S. R. & O. 1923, No. 803, below in this Chapter.*]

8. For the purpose of determining the domicile of any person, Northern Ireland shall be deemed always to have been a separate part of the United Kingdom.

Determin-
ation of
domicile.

ADAPTATION OF ENACTMENTS (No. 2).

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No. 78

STATUTORY RULES AND ORDERS, 1922,

No. 78, dated 31st January, 1922.

[Order recites s. 69 (a) and (b) of the Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of Enactments) (No. 2) Order, 1922. Citation and interpretation.

(2) In the Order the expression "appointed day" means the first day of December, nineteen hundred and twenty-one.^[1]

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. 52 & 53
Vict., c. 63.

[¹] This Order was first made on 21st November, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 9th December, 1921, and pp. 41 and 55 in Part I of this work.

2.—(1) As from the appointed day the enactments hereinafter mentioned shall have effect, subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament. General, and extension
of S. R. & O.
1921,
No. 1804.
10 & 11
Geo. 5, c. 67.

(2) Subject to the express modifications and adaptations made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments.

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(3) The adaptations and modifications effected by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so adapted or modified and in force immediately before the appointed day in like manner as they apply to the enactment under which it was made or issued; and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.

(4) Article 9 of the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] shall have effect as if references to orders, schemes, rules, or regulations made under any enactment adapted or modified by that Order included references to instruments issued under any such enactment.

[¹] For this general Order see p. 403 above in this chapter.

Local
Government
(central
authority
and finance).
1 & 2 Vict.,
c. 56.
3 & 4 Vict.,
c. 108.

25 & 26
Vict., c. 106.
63 & 64
Vict., c. 18.

35 & 36
Vict., c. 69.

6 Edw. 7,
c. 14.

3.—(1) In the application to Northern Ireland of section five of the Poor Relief (Ireland) Act, 1838,^[1] and section fourteen of the Municipal Corporations (Ireland) Act, 1840,^[2] references to a Minister of Northern Ireland shall be substituted for references to one of His Majesty's Principal Secretaries of State.

(2) The County Surveyors (Ireland) Act, 1862, and the County Surveyors (Ireland) Act, 1900, shall cease to have effect in Northern Ireland after the appointed day.^[3]

(3) In the application of section three of the Local Government Board (Ireland) Act, 1872, to Northern Ireland, a reference to the Lord Lieutenant shall be substituted for the reference to His Majesty.^[4]

(4) In the application of the Alkali, &c., Works Regulation Act, 1906, to Northern Ireland, references to the Local Government Board for Northern Ireland^[5]

shall be substituted for references both to the Local Government Board and to the central authority as in that Act defined. **1922 No. 78**

(5) In any enactment provisions as to the Labourers' Cottages Fund and the Irish Housing Fund shall cease to have effect as respects Northern Ireland after the appointed day, but without prejudice to the apportionment to the Government of Northern Ireland of any part of either of those funds as the share of Northern Ireland therein.^[6]

[1] This section requires general rules to be laid before Parliament by a Minister.

[2] This section has been amended by the substitution of a new provision, and the adaptation has ceased to have effect. See 16 & 17 Geo. 5, c. 6 (N.I.).

[3] These enactments gave functions to the Lord Lieutenant and Civil Service Commissioners.

[4] This section had reference to the appointment of members of the Irish Local Government Board. The adaptation ceased to have effect by virtue of 12 Geo. 5, c. 6 (N.I.), set out in Chapter VI above.

[5] This adaptation now has reference to the Ministry of Home Affairs, by virtue of 12 Geo. 5, c. 6 (N.I.), set out in Chapter VI above.

[6] See note on Art. 6 (2) of S. R. & O. 1921, No. 1804, above. An apportionment was made by Joint Exchequer Board Orders of 4th December, 1922, and 3rd December, 1923.

4. The Midwives (Ireland) Act, 1918, in its application to Northern Ireland, shall have effect with the following adaptations:—^[1]

Enactments
relating to
Midwives.
7 & 8 Geo. 5,
c. 59.

- (a) references to the Privy Council shall be construed as references to the Privy Council of Ireland; the reference to the Lord President of the Council shall be construed as a reference to the Lord Lieutenant; and references to the Central Midwives Board and to the Midwives Roll shall, respectively, be construed as refer-

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ences to the Central Midwives Board for Northern Ireland and to the Midwives Roll for Northern Ireland;

- (b) in section three^[2] references to Ireland shall be construed as references to Northern Ireland; and the reference to Dublin shall be construed as a reference to Belfast; and in sub-section (1) of the same section "After the first day of December, 1921," shall be substituted for "On the passing of this Act"; "two" shall be substituted for "three"; "one" shall be substituted for "two"; "two registered medical practitioners" shall be substituted for "four registered medical practitioners"; and "three women" shall be substituted for "four women";

- (c) every woman who immediately before the appointed day is certified under the said Act shall in Northern Ireland be deemed to have been certified under and for the purposes of the said Act in its application to Northern Ireland.^[3]

[¹] These adaptations are for the most part inoperative, by virtue of 12 & 13 Geo. 5, c. 10 (N.I.), which established a Joint Nursing and Midwives Council for the purposes of 7 & 8 Geo. 5, c. 59, and 9 & 10 Geo. 5, c. 96.

[²] "section three." Repealed by 12 & 13 Geo. 5, c. 10 (N.I.).

[³] See also s. 2 of 12 & 13 Geo. 5, c. 10 (N.I.), and s. 3 of 19 Geo. 5, c. 6 (N.I.), as to the Midwives Roll.

Enactments
relating to
registration
of nurses.
9 & 10
Geo. 5, c. 96.

5.—(1) The Nurses Registration (Ireland) Act, 1919, in its application to Northern Ireland, shall have effect with the following adaptations:—^[1]

- (a) references to the General Nursing Council for Ireland shall be construed as references to the General Nursing Council for Northern Ireland;

and references to the register shall be construed as references to the Register of Nurses for the Sick in Northern Ireland; **1922 No. 78**

- (b) in paragraph 1 of the Schedule, "five" shall be substituted for "fifteen";
- (c) in paragraphs 2 and 4 of the Schedule, "two" shall be substituted for "six" and "three" shall be substituted for "nine";
- (d) in paragraph 3 of the Schedule, "first day of December, 1921," shall be substituted for "commencement of this Act";
- (e) any person who immediately before the appointed day is registered under the said Act shall in Northern Ireland be deemed to have been registered under and for the purposes of the said Act in its application to Northern Ireland.

(2) For the purposes of sub-section (3) of section six of the Nurses Registration Act, 1919, sub-section (3) of section six of the Nurses Registration (Scotland) Act, 1919, and sub-section (3) of section six of the Nurses Registration (Ireland) Act, 1919 (which relate to rules for the admission to the register in one part of the United Kingdom of persons registered as nurses in another part of the United Kingdom), Southern Ireland and Northern Ireland shall be treated as separate parts of the United Kingdom, and as respects Northern Ireland the General Nursing Council for Northern Ireland^[1] shall, when established, be treated, for the purposes of the sub-section first mentioned and the sub-section last mentioned, as a Nursing Council to be consulted in connection with rules proposed to be made by any other Nursing Council.

9 & 10
Geo. 5, c. 94.

9 & 10
Geo. 5, c. 95.

[1] These adaptations are in part inoperative, by virtue of 12 & 13 Geo. 5, c. 10 (N.I.), which established a Joint

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Nursing and Midwives Council for the purposes of 7 & 8 Geo. 5, c. 59, and 9 & 10 Geo. 5, c. 96.

[²] See note [¹] above.

Roads, Road
Fund, and
vehicles.

6.—(1) The enactments hereinafter specified shall, in their application to Northern Ireland, have effect subject to the following adaptations respectively:—

24 & 25
Vict., c. 70.

(a) in section six of the Locomotive Act, 1861, the Minister of Home Affairs for Northern Ireland shall be substituted for one of His Majesty's Principal Secretaries of State;^[1]

9 Edw. 7,
c. 47.

(b) in sub-section (2) of section nine of the Development and Road Improvement Funds Act, 1909, as amended by the Roads Act, 1920, the words "shall consult with the Local Government Board and" shall be omitted;^[2]

10 & 11
Geo. 5, c. 72.

(c) in sub-section (2) of section twenty-two of the Ministry of Transport Act, 1919, "seven" shall be substituted for "eleven," and "three" for "five";^[3]

9 & 10
Geo. 5, c. 50.

(d) in the Roads Act, 1920, references to Orders in Council shall be construed as references to the Lord Lieutenant in Council;^[4] references to the Road Fund shall be construed as references to the Road Fund (Northern Ireland); and there shall be transferred to the last-mentioned fund so much of the first-mentioned fund as may be apportioned to the Government of Northern Ireland as the share of Northern Ireland therein;^[5]

10 & 11
Geo. 5, c. 18.

(2) References to the United Kingdom in sub-section (5) of section thirteen of the Finance Act, 1920,^[6] shall, in the application of that section to Northern Ireland, be construed as references to Northern Ireland, and in the application of that section to the rest of the United Kingdom be construed as

references to the United Kingdom exclusive of Northern Ireland, but without prejudice to the operation of section thirty of the Government of Ireland Act, 1920.^[7] **1922 No. 78**

[1] This section relates to the determination of the sufficiency of bridges for locomotive traffic.

[2] This relates to approval for the construction of certain roads.

[3] This relates to the Roads Advisory Committee. See also amendment made by 20 Geo. 5, c. 21 (N.I.), s. 6 (1).

[4] "Lord Lieutenant in Council." Now the Governor in the Privy Council of Northern Ireland.

[5] This fund was apportioned by Joint Exchequer Board Order of 5th April, 1922.

[6] This relates to the exemption from duty of vehicles brought into the United Kingdom by persons making only a temporary stay there.

[7] "section thirty of the Government of Ireland Act, 1920," related to interavailability of excise licences between Northern and Southern Ireland, and is now repealed.

7.—(1) In sections three, four, fourteen, and twenty of the Private Lunatic Asylums (Ireland) Act, 1842,^[1] section eight of the Criminal Lunatics Act, 1884, and sections eighty-six, eighty-seven, and eighty-eight of the Lunacy Act, 1890, references to Ireland shall be construed as references to Southern Ireland and Northern Ireland, or to Southern Ireland or Northern Ireland, as the case requires.^[2]

Enactments as to persons of unsound mind and criminal lunatics. 5 & 6 Vict., c. 123. 47 & 48 Vict., c. 64. 53 & 54 Vict., c. 5.

(2) For the purposes of the application of sub-section (5) of section eight of the Criminal Lunatics Act, 1884, to Northern Ireland, references therein and in any other enactment therein mentioned to the Central Criminal Lunatic Asylum shall be construed as references to the Belfast District Lunatic Asylum.^[3]

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(3) The provisions of section eighty-eight of the Lunacy Act, 1890, with respect to the escape of a lunatic detained in Ireland into England or Scotland, shall extend to the case of the escape of a lunatic detained in Northern Ireland into Southern Ireland, and to the case of the escape of a lunatic detained in Southern Ireland into Northern Ireland, and the notice required to be given under that section, shall, in the first case, if the lunatic was detained by order of the Lord Chancellor or of the Lord Chief Justice of Northern Ireland, be given to the Registrar in Lunacy in Northern Ireland, and, if the lunatic was detained otherwise than by such order, to the Inspectors of Lunatics in Northern Ireland; and shall, in the second case, if the lunatic was detained by order of the Lord Chancellor or the Lord Chief Justice of Southern Ireland, be given to the Registrar in Lunacy in Southern Ireland, and, if the lunatic was detained otherwise than by such order, to the Inspectors of Lunatics in Ireland; and references to the Registrar in Lunacy or the Inspectors of Lunatics in Ireland shall be construed accordingly.^[4]

[¹] All these sections of the 1842 Act were repealed by 22 & 23 Geo. 5, c. 15 (N.I.), ss. 42, 72, 2 & 3 Sched.

[²] The enactments of 1884 and 1890 relate to removal, escape, and recapture, as between different parts of the United Kingdom.

[³] For the Criminal Lunatic Asylum, Northern Ireland, at Londonderry, see 20 Geo. 5, c. 19 (N.I.).

[⁴] This provision appears to be inoperative.

Children
Act.
8 Edw. 7,
c. 67.

8. For the purposes of sub-section (3) of section sixty-nine of the Children Act, 1908, Southern Ireland and Northern Ireland shall be treated as separate parts of the United Kingdom, and as respects Northern

Ireland the central authority shall be the appropriate Minister of Northern Ireland.^[1] **1922
No. 78**

[1] This relates to the transfer of youthful offenders and children from one part of the United Kingdom to another. It appears to be inoperative as between Northern and Southern Ireland.

9.—(1) So much of section ten of the Old Age Pensions Act, 1908, as requires provision to be made by regulations for pensions being paid, claims being made, and information being obtained through the Post Office, shall not apply to Northern Ireland, and accordingly references in that section to the Postmaster-General and the Post Office shall, in the application of that section to Northern Ireland, be omitted therefrom:

Old Age Pensions Acts.
8 Edw. 7, c. 40.

Provided that this provision shall be without prejudice to the making of arrangements under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance by officers of the Post Office on behalf of the Ministry of Finance for Northern Ireland of the powers and duties which before the appointed day were exercised and performed by those officers.^[1]

(2) The reference to "Parliament" in section three of the Old Age Pensions Act, 1911, shall not, in the application of that section to Northern Ireland, be construed as a reference to the Parliament of Northern Ireland.^[2] **1 & 2 Geo. 5,
c. 16.**

[1] Non-contributory old age pensions are now administered by the Ministry of Labour for N.I., under 17 & 18 Geo. 5, c. 22 (N.I.). See also p. 102 above, and p. 513 below.

[2] The reference is to periods of time spent abroad in the service of the Crown, remunerated out of "moneys provided by Parliament."

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No. 79

SUPREME COURT MATTERS, ETC.

STATUTORY RULES AND ORDERS, 1922,

No. 79, dated 31st January, 1922.

[Order recites s. 69 (a) and (b) of the Act of 1920.]

PART I.

General.

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Supreme Court Matters, etc.) Order, 1922.

(2) In this Order the expression “appointed day” means, for the purposes of Part II of this Order, the first day of October, 1921, and for the purposes of Part III of this Order, the fifteenth day of December, 1921, and for the purposes of Part IV of this Order, the twenty-second day of November, 1921.^[1]

52 & 53
Vict., c. 63.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[¹] This Order was first made on 13th December, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 23rd December, 1921, and pp. 41 and 55 in Part I of this work.

General.

2.—(1) As from the appointed day the enactments to which the several parts of this Order hereinafter contained apply shall have effect subject to the modifications and adaptations set out in those Parts respectively, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.

10 & 11
Geo. 5, c. 67.

(2) Subject to the express modifications and adaptations made by this Order, the Supreme Court of

Judicature (Southern Ireland) Order, 1921,^[1] the 1922
 Supreme Court of Judicature (Northern Ireland) Order, No. 79
 1921,^[2] and any other Order made under the said Act
 containing adaptations of general application shall, S. R. & O.
 if and so far as they are applicable to the enactments 1921,
 adapted by this Order, apply thereto in like manner No. 1802.
 as to other enactments.

(3) The adaptations and modifications effected by
 this Order shall apply to any order, scheme, rule,
 regulation, or instrument made or issued under any
 of the enactments so adapted or modified and in force
 immediately before the appointed day in like manner
 as they apply to the enactment under which it was
 made or issued; and any such order, scheme, rule,
 regulation, or instrument shall continue in force in like
 manner and subject to the like powers of revocation
 and alteration as if it had been made or issued under
 the said enactment as so modified and adapted.

[1] This reference appears to be inoperative.

[2] For this Order, and another general Order, see pp.
 396 and 403 above.

PART II.

Probate Registries, etc.

3. This Part of this Order applies to the Probates Application
 and Letters of Administration Act (Ireland), 1857 (in of Part II.
 this Part of this Order referred to as "the Act of 20 & 21
 1857"), as amended by any subsequent enactment, Vict., c. 79.
 and the adaptations effected by this Part of this Order
 shall apply in addition to the adaptations effected by
 the Government of Ireland (Resealing of Probates,
 etc.) Order, 1922.^[1] S. R. & O.
 1922, No. 81.

[1] For this Order see p. 450 below.

4.—(1) The district registries at Belfast and Armagh District
 shall cease to exist, and the district of the district registries.

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registry at Londonderry shall consist of the counties of Londonderry, Tyrone, and Fermanagh, and the county borough of Londonderry, and shall cease to include the county of Donegal; and Schedule A to the Act of 1857 shall be adapted accordingly.

(2) So much of Northern Ireland as is not included in the district of the district registry at Londonderry as hereinbefore constituted shall be attached to the principal registry in Belfast.^[1]

(3)^[1]

[1] References to Southern Ireland omitted.

Transmission
of copies of
calendars.

5. The principal registry of the King's Bench Division (Probate) of the High Court of Justice in Southern Ireland shall be included amongst the offices to which the registrars in Northern Ireland are to cause copies of the calendars to be transmitted pursuant to section seventy-three of the Act of 1857 as it applies to Northern Ireland, and the principal registry of the King's Bench Division (Probate) of the High Court of Justice in Northern Ireland shall be included amongst the offices to which the registrars in Southern Ireland are to cause copies of the calendars to be transmitted pursuant to the said section as it applies to Southern Ireland.^[1]

[1] This provision appears to be inoperative.

Adaptation
of the
Act of 1857
to Northern
Ireland.

6. In the application of the Act of 1857 to Northern Ireland—

- (a) section twenty-three shall have effect as if the words "appointed by the Lord Chief Justice of Northern Ireland" were substituted for the words "appointed by the judge, but subject to the approval of the Lord Chancellor";^[1]
- (b) section twenty-four shall have effect as if the words "removed by the Lord Chief Justice of Northern Ireland" were substituted for the

words "removed by the judge, with the sanction of the Lord Chancellor";^[2]

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- (c) section seventy-one shall have effect as if the word "Belfast" were substituted for the word "Dublin";^[3]
- (d) section one hundred and fourteen shall have effect as if references to the Lord Chief Justice of Northern Ireland were substituted for any reference to the judge of the court.^[4]

[1] This relates to the appointment and salaries of registrars.

[2] This relates to the tenure of office by registrars.

[3] This relates to the place of deposit of wills, etc.

[4] This relates to the staff of district registries.

PART III.

Local Registration of Title.

7.—(1) This Part of this Order applies to the Local Registration of Title (Ireland) Act, 1891 (in this Part of this Order referred to as "the Act of 1891"), as amended by any subsequent enactment.^[1]

Application and interpretation of Part III.

54 & 55
Vict., c. 66.

(2) In this Part of this Order the expression "Registrar of Titles in Northern Ireland" means such officer of the Supreme Court of Judicature of Northern Ireland as may be appointed or assigned for the discharge, as respects Northern Ireland, of the duties which immediately before the said day were discharged by the Registrar of Titles.^[2]

[1] See also S. R. & O. 1924, No. 1221, p. 00 below, as to registration of title to land in the county of Antrim.

[2] References to Southern Ireland omitted. The "said day" was mentioned in the omitted reference, and was 15th December, 1921.

8. The Act of 1891 as amended by any subsequent enactment shall be subject to the following adaptations:—

Adaptation of the Act of 1891 to Northern Ireland.

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(a) ^[1]

(b) in the application of the said Act to Northern Ireland references to Ireland shall be construed as references to Northern Ireland; references to the city of Dublin shall be construed as references to the city of Belfast; and references to the Registrar of Titles shall be construed as references to the Registrar of Titles in Northern Ireland;

(c) so much of section fourteen of the said Act as provides that a decision of the Court of Appeal is to be final and conclusive shall not apply to a decision of His Majesty's Court of Appeal in Northern Ireland. ^[1] ^[2]

[¹] Reference to Southern Ireland omitted.

[²] This provision may have had regard to the jurisdiction of the High Court of Appeal for Ireland. As to that court, see Appendix B below, and particularly, *Leyburn's Case* therein mentioned.

Formation
of registers
to be kept
in Central
Office,
Belfast.

9.—(1) For the purpose of forming the registers and duplicate registers to be kept in the Central Office in Belfast under the Act of 1891 as it applies to Northern Ireland, the Registrar of Titles in Southern Ireland shall separate from the registers or duplicate registers kept in the Central Office in Dublin so much thereof as relates to land in Northern Ireland, or, if and so far as such separation is not physically possible in the case of any register or duplicate register, shall cause a copy to be made of so much of the register or duplicate register, and shall certify the same to be a true copy, and shall transmit the part of any register or duplicate register so separated or the copy so certified, as the case may be, to the Registrar of Titles in Northern Ireland, together with any documents in the Central Office in Dublin which relate solely or mainly to land or matters in Northern Ireland.

(2) The Lord Chief Justice of Ireland and the Lord Chief Justice of Northern Ireland shall by order^[1] appoint the time or times when any part of a register or duplicate register or the certified copy thereof or any such documents as aforesaid shall be transmitted to the Registrar of Titles in Northern Ireland, and shall determine the procedure to be adopted in carrying out the foregoing provisions of this article, and all questions arising in connection therewith; and in the event of their disagreement the matter in dispute shall be referred to the Lord Chancellor of Ireland, whose decision shall be final. **1922 No. 79**

(3) Until the part of a register or duplicate register which relates to registered land in Northern Ireland or the certified copy thereof has been transmitted to the Registrar of Titles in Northern Ireland pursuant to such order as in sub-section (2) of this article is mentioned, the Central Office for the purposes of registration in connection with such land shall be the Central Office established under the Act of 1891 in Dublin; and the Registrar of Titles and the Central Registering authority for such land shall be the Registrar of Titles in Southern Ireland, who shall have all the powers and duties in connection therewith of the Registrar of Titles in Northern Ireland under the said Act as adapted by this Order.

(4) If any questions arise as to whether the separation of a register is physically possible, or as to whether any documents relate solely or mainly to land or matters in Northern Ireland, the same shall be determined by the judges in Northern and Southern Ireland respectively to whom the duties of Land Judge of the Chancery Division are for the time being assigned, or, if they disagree, by the Lord Chancellor of Ireland.

[1] Order made on 7th November, 1922.

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Apportion-
ment of the
insurance
fund.

10. The securities and moneys which on the fifteenth day of December, 1921, represent the insurance fund established pursuant to section ninety-two of the Act of 1891, shall, together with the rights and liabilities affecting the same, be apportioned as between Southern Ireland and Northern Ireland by the Treasury, and the securities and moneys apportioned to Southern Ireland and Northern Ireland respectively shall be transferred in such manner and to such persons respectively as may be directed by the Treasury, and when transferred shall form part of the insurance fund in Southern Ireland or the insurance fund in Northern Ireland, as the case may be, and the provisions of the said Act with respect to the insurance fund shall be construed distributively as applying to the insurance fund in Southern Ireland or the insurance fund in Northern Ireland, as the case requires.^[1]

[1] The Treasury, by Minute of 22nd March, 1922, apportioned certain securities and moneys to N.I., and directed the transfer thereof to the Lord Chief Justice of N.I. and the Secretary of the Ministry of Finance for N.I. as Trustees of the N.I. Insurance Fund.

PART IV.

Court Houses (Ireland) Act, 1840.

Adaptation
of 3 & 4
Vict., c. 102,
to Northern
Ireland.

11.—(1) This Part of this Order applies to section one of the Court Houses (Ireland) Act, 1840.

(2) The said section, in its application to counties in Northern Ireland, shall have effect with the substitution of the words "six miles" for the words "one mile."^[1]

[1] This section enables the Governor in Council to direct that the civil and criminal business of certain courts of a county may be transacted in a courthouse in an adjoining county, not distant more than six (formerly one) miles from the common boundary of the two counties.

ADAPTATION OF TAXING ACTS.

1922
No. 80

STATUTORY RULES AND ORDERS, 1922,

No. 80, dated 31st January, 1922.

[Order recites s. 69 (a), (b), and (f) of
the Act of 1920.]

PART I.

General.

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of the Taxing Acts) Order, 1922. Citation and interpretation.

(2) In this Order the expression "appointed day" means the twenty-second day of November, nineteen hundred and twenty-one, and the expression "transferred tax" means a tax with respect to which the Parliament of Northern Ireland has after the appointed day power to make laws.^[1]

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. 52 & 53
Vict., c. 63.

[¹] This Order was first made on 21st November, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 2nd December, 1921, and pp. 41 and 55 in Part I of this work. For transferred taxation see s. 21 of the Act of 1920, in Chapter I above.

2.—(1) As from the appointed day the enactments to which the several Parts of this Order hereinafter contained apply shall have effect subject to the adaptations and modifications set out in those Parts respectively, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respect matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament. General.

10 & 11
Geo. 5, c. 67.

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S. R. & O.
1921,
No. 1804.

(2) Subject to the express adaptations and modifications made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the said Act containing adaptations of general application apply, if and so far as they are applicable, to the enactments adapted by this Order in like manner as to other enactments.

(3) The adaptations and modifications effected by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so adapted or modified and in force immediately before the appointed day in like manner as they apply to the enactment under which it was made or issued; and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.

[1] For this general Order see p. 403 above.

Charge, levy,
and collec-
tion of
transferred
taxes.

3. Where before the appointed day any steps have been taken by or under the direction of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise in connection with the charging, levying, or collection of any transferred tax in Northern Ireland, all further steps necessary in connection with the charging, levying, or collection of the said tax may be taken by or under the direction of the Minister^[1] of Finance for Northern Ireland.

[1] For assignment of functions to the Ministry of Finance, of which this Minister is the head, see Chapter VI above.

Saving for
pending
proceedings.

4. Where before the appointed day any proceedings have been commenced under any enactment relating to any transferred tax or to any matter incidental to the charging, levying, or collecting of any such tax,

nothing in this Order shall affect those proceedings, but the proceedings shall be continued, and any penalty or other sum recoverable thereunder shall be recovered, in like manner as if the Government of Ireland Act, 1920, had not come into operation and this Order had not been made.

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5. The Minister^[1] of Finance for Northern Ireland shall cause accounts to be kept of all transferred taxes collected by him and levied in respect of a year current on the appointed day, and of all repayments of any such tax made by him in respect of tax levied and paid before the appointed day in respect of the said or any preceding year, and such accounts shall be in such form and contain such particulars as may be agreed between the Minister^[1] and the Treasury, or as may in default of agreement be prescribed by the Joint Exchequer Board.

Accounts for
year current
on 22nd
November,
1921.

[1] As to the Minister, see note [1] on article 3 above.

PART II.

Acts of General Application.

6. This Part of this Order applies to the Inland Revenue Regulation Act, 1890 (in this Part of this Order referred to as "the Act of 1890"), and the other enactments specifically mentioned in this Part, and the adaptations effected by the other Parts of this Order shall not apply to any enactment adapted by Articles 7 and 8 in this Part of this Order.

Application
of Part II of
Order.
53 & 54
Vict., c. 21.

7. The Act of 1890, and the enactments amending that Act (including the Excise Transfer Order, 1909), shall have effect subject to the following adaptations:

Adaptation
of Inland
Revenue
Regulation
Act, 1890,
to Northern
Ireland.
S. R. & O.
1909.
No. 197.

- (a) Sections one and two of the Act of 1890 shall not apply in relation to Northern Ireland, and section three of that Act in its application to

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Northern Ireland shall have effect as though the words "shall have their chief office in London and" were omitted therefrom, and as though the section provided that the Minister^[1] of Finance for Northern Ireland should have his chief office for the purposes of inland revenue in Belfast;

- (b) The reference to the United Kingdom in sections four and twenty-seven of the Act of 1890, in relation to the inland revenue of the United Kingdom exclusive of Northern Ireland, shall be construed as a reference to the United Kingdom exclusive of Northern Ireland, and in relation to the inland revenue of Northern Ireland shall be construed as a reference to Northern Ireland,^[2] and the reference to England or Ireland in section thirty-eight of the Finance Act, 1896, in relation to proceedings relating to the inland revenue of the United Kingdom exclusive of Northern Ireland shall be construed as a reference to England,^[3] and in relation to proceedings relating to the inland revenue of Northern Ireland shall be construed as a reference to Northern Ireland;
- (c) The reference to the revenue of the United Kingdom shall be construed as including a reference to the revenue arising in the United Kingdom exclusive of Northern Ireland from taxes leviable by the Government of the United Kingdom, and in relation to Northern Ireland shall be construed as a reference to the revenue arising in Northern Ireland from transferred taxes;
- (d) The references to Ireland in the Act of 1890 and in the Public Accounts and Charges Act, 1891, shall, in the application of those Acts to Nor-

59 & 60
Vict., c. 28.

54 & 55
Vict., c. 24.

thern Ireland, be construed as a reference to Northern Ireland;

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- (e) The reference to the Bank of Ireland in sub-section (2) of section one of the Public Accounts and Charges Act, 1891, shall, in relation to Northern Ireland, be construed as including a reference to any other bank into which moneys payable to the account of the Exchequer of Northern Ireland are to be paid.^[4]

[1] As to the Minister, see note [1] on article 3 above.

[2] Section four relates to the enforcement of laws "in every part of the United Kingdom." Section twenty-seven relates to proceedings before justices "in the United Kingdom."

[3] Section thirty-eight of the Act of 1896 amends section twenty-seven of the Act of 1890, and relates to the appearance of solicitors in county courts in "England or Ireland." Words relating to Southern Ireland have been omitted from this paragraph.

[4] The account of the Exchequer of Northern Ireland is kept in the Belfast Bank, pursuant to warrant under 12 Geo. 5, c. 2 (N.I.), s. 1. See that Act in Chapter VI above.

8. The Provisional Collection of Taxes Act, 1913,^[1] in its application to transferred taxes, shall have effect subject to the following adaptations:—

Adaptation
of 3 & 4
Geo. 5, c. 3,
to Northern
Ireland.

- (a) The expression "the House of Commons" shall mean the House of Commons of Northern Ireland;
- (b) The reference to an Act of Parliament where that expression first occurs in section one of the Act and the references to an Act of Parliament in provisos (b), (c), and (d) to sub-section (1) of that section shall be construed as including references to an Act of the Parliament of Northern Ireland, and the expression "Act of Parliament" where it secondly occurs

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in the said sub-section, shall mean either an Act of Parliament of the United Kingdom or an Act of the Parliament of Northern Ireland, as the case requires.

[1] This Act gives statutory effect, for a limited period, to resolutions passed by the Committee of Ways and Means of the House of Commons, providing for the variation of an existing tax or the renewal of a tax for a further period.

As to the powers of the N.I. House of Commons, see also s. 16 of the Act of 1920 in Chapter I above.

Reference
Committee
for appeals
in Northern
Ireland.
10 Edw. 7, &
1 Geo. 5, c. 8.

9. For the purposes of appeals relating to mineral rights duty and of appeals as to the value of real property under sub-section (3) of section sixty of the Finance (1909-10) Act, 1910, there shall be a separate reference committee for Northern Ireland and a separate panel of referees for Northern Ireland, and sections thirty-three and thirty-four of the Finance (1909-10) Act, 1910, shall have effect accordingly.^[1]

The reference committee for Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland and the President of the Surveyors' Institution, but the President of the Surveyors' Institution may, if he thinks fit, appoint any person being a member of the Council of that Institution and having special knowledge of valuation in Northern Ireland to act in his place as a member of the reference committee in Northern Ireland.^[2]

[1] By 12 & 13 Geo. 5, c. 9 (N.I.), the panel of referees has been amalgamated with the panel of official arbitrators under 9 & 10 Geo. 5, c. 57. By 18 & 19 Geo. 5, c. 14 (N.I.), the arbitrator in certain cases is appointed by the Minister of Finance, and not selected by the reference committee from the panel.

[2] The person to be appointed by the President of the Surveyors' Institution need not be a member of the Council of the Institution; see 12 & 13 Geo. 5, c. 9 (N.I.), s. 1 (2).

10. In the application to Northern Ireland of any enactments relating to the management of inland revenue, any provisions requiring the Commissioners of Inland Revenue or the Commissioners of Customs and Excise to act subject to the control or approval or direction of the Treasury, or any other provisions to a like effect, shall not apply.

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Adaptation
of provisions
as to
Treasury
control.

11. In the application to Northern Ireland of any enactment relating to any transferred tax or to any matter incidental to the charging, levying, or collecting of any such tax, references to the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, or to the predecessors of either of those Commissioners, and their respective officers shall (subject to any special provisions contained in this Order and unless the context otherwise requires) be construed as references to the Minister^[1] of Finance for Northern Ireland and his officers, and references to particular officers of those Commissioners shall be construed as references to officers of the Minister performing corresponding functions.

Adaptation
of references
to Commis-
sioners, etc.,
and their
officers.

In this order the expression "officer" in relation to the Commissioners of Inland Revenue and the Commissioners of Customs and Excise includes the Accountant General of Inland Revenue and the Solicitor of Inland Revenue and the Accountant and Comptroller General of Customs and Excise and the Solicitor for the Customs and Excise respectively.

[¹] As to the Minister, see note [¹] on article 3 above.

PART III.

Death Duties Acts.

12. This Part of this Order applies to the Death Duties Acts, that is to say, the Probate and Legacy Duties (Ireland) Act, 1814; the Probate Duty (Ireland)

Application
of Part III
of Order.
54 Geo. 3.
c. 92.

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56 Geo. 3,
c. 56.16 & 17
Vict., c. 51.44 & 45
Vict., c. 12.52 & 53
Vict., c. 7.57 & 58
Vict., c. 30.Transfer
of right to
recover
death duties.

Act, 1816; the Succession Duty Act, 1853; Part III of the Customs and Inland Revenue Act, 1881; Part II of the Customs and Inland Revenue Act, 1889; and Part I of the Finance Act, 1894; and the enactments amending those Acts or otherwise relating to death duties as defined in section thirteen of the Finance Act, 1894.^[1]

[1] See also S. R. & O. 1922, No. 487, p. 517 below.

13.—(1) Nothing in the Government of Ireland Act, 1920, shall affect any liability for any death duties leviable under the Death Duties Acts on or with reference to deaths occurring before the appointed day, but those Acts shall continue to apply, subject, however, as respects the charging, levying, and collection of those duties, to the provisions of this article.^[1]

(2) With respect to all such death duties which have not been paid before the appointed day, the Minister^[2] of Finance for Northern Ireland and his officers shall in Northern Ireland have all such powers of charging, levying, and collection as are by the existing Acts conferred on the Commissioners of Inland Revenue and their officers, and those Acts shall have effect accordingly, and the fact that any such duties which remain unpaid on the appointed day have been charged or levied by the Commissioners of Inland Revenue shall not affect the right of the said Minister to collect them.

(3) Any repayments or allowances that may fall to be made by reason of overcharge or otherwise in respect of

(a) death duties which were paid before the appointed day to or for the account of the Commissioners of Inland Revenue but which, if they had been unpaid at that date, would have been collected by the Minister^[2] of Finance for Northern Ireland under the provisions of this article; or

- (b) death duties leviable on or with reference to **1922**
deaths occurring before the appointed day **No. 80**
and collected by the Minister^[2] of Finance for
Northern Ireland,

shall be made and granted by that Minister, and that Minister shall be empowered to obtain from the person claiming any such allowance or repayment such evidence as he may require of the payment of any death duties in respect of which the repayment or allowance is claimed and the title of the claimant to any such repayment or allowance.

(4) The Minister^[2] of Finance for Northern Ireland shall keep separate accounts of all death duties collected and all repayments and allowances made by him under this article; and all such accounts shall be in such form and contain such particulars as may be agreed between him and the Treasury or, in default of agreement, as may be prescribed by the Joint Exchequer Board.

[¹] For the authority for this article see s. 69 (f) of the Act of 1920 in Chapter I above.

[²] As to the Minister, see note [¹] on article 3 above.

14. As respects death duties leviable in Northern Ireland and in the rest of the United Kingdom respectively on or with reference to deaths occurring on or after the appointed day, the Death Duties Acts shall apply subject to the following adaptations:—

Adaptation
of Death
Duties Acts.

(a) In those Acts, in their application to Northern Ireland—

- (i) references to the chief office of the Commissioners of Inland Revenue in London shall be construed as references to the chief office of the Minister^[1] of Finance for Northern Ireland for purposes of inland revenue;
- (ii) references to Dublin shall be construed as references to Belfast;

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27 & 28
Vict., c. 56.

10 & 11
Geo. 5, c. 12.

5 & 6 Vict.,
c. 82.

8 Edw. 7,
c. 69.

(b) References to the United Kingdom in section four of the Revenue (No. 2) Act, 1864, in section twenty-eight and sub-section (1) of section thirty-three of the Customs and Inland Revenue Act, 1881, in sub-section (2) of section two, sub-sections (2) and (3) of section seven, and sub-section (3) of section twenty of the Finance Act, 1894, and section eight of the Savings Banks Act, 1920, shall, in the application of those provisions to Northern Ireland, be construed as references to Northern Ireland, and, in the application of those provisions to the rest of the United Kingdom, shall be construed as references to the United Kingdom exclusive of Northern Ireland; ^[2]

(c) Except in section thirty-eight of the Stamp Duties (Ireland) Act, 1842, references to Ireland shall, in the application of the Acts to Northern Ireland be construed as references to Northern Ireland, and in their application to the rest of the United Kingdom be construed as references to Southern Ireland; ^[3]

(d) Sub-section (2) of section seven of the Finance Act, 1894, shall have effect as if for the words "in the foreign country or British possession" there were substituted the words "in the country"; ^[4]

(e) Section thirty-six of the Companies (Consolidation) Act, 1908, ^[5] shall have effect as if the following paragraph were substituted for paragraph (b) thereof:—

"On the death of a member registered in a colonial register, the shares of the deceased member shall, if he died domiciled in Northern Ireland or in any part of the United Kingdom exclusive of Northern Ireland, but not other-

wise, be deemed, so far as relates to death **1922**
duties in Northern Ireland and the United **No. 80**
Kingdom exclusive of Northern Ireland,
respectively, to be part of his estate and effects
which are situate in the country of the prin-
cipal register and for or in respect of which
probate or letters of administration is or are
to be granted, or whereof an inventory is to
be exhibited and recorded, in like manner as if
he were registered in the principal register."

[¹] As to the Minister, see note [¹] on article 3 above.

[²] The references in these enactments are as follows:—
1864—ship, or share of a ship, belonging to a deceased
person and registered at any port in the U.K.

1881—s. 28—person dying domiciled in any part of the
United Kingdom.

s. 33—estate and effects situate out of the U.K.

1894—s. 2 (2)—property situate out of the U.K.

s. 7 (2) (3)—persons resident out of . . . property
situate within the U.K.

s. 20 (3)—property situate in the U.K.

1920—death duties payable in the U.K.

[³] S. 38 of 5 & 6 Vict., c. 82, contains a proviso exempt-
ing from duty "in Ireland" certain legacies to charities
"in Ireland." The reference to Southern Ireland in this
article is inoperative.

[⁴] This sub-section relates to allowances for debts due
from deceased persons to persons resident out of the
United Kingdom.

[⁵] "Section thirty-six of the Companies (Consolidation)
Act, 1908." As respects Great Britain, this enactment
was repealed by s. 381 and Sched. 12 of the Companies
Act, 1929 (19 & 20 Geo. 5, c. 23); ss. 103–107 of that Act
relate to "Dominion Registers," which superseded "Colonial
Registers" by virtue of 18 & 19 Geo. 5, c. 45, but do not
contain any provision corresponding to para. (b) of s. 36
of the Act of 1908. As respects Northern Ireland, a similar
result was achieved by the Companies Act (Northern Ire-
land), 1932 (22 & 23 Geo. 5, c. 7), ss. 100–102, 336, and
Sched. 10. Article 14 (e) has thus ceased to have effect.

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PART IV.

Stamp Duties Acts.

Application
of Part IV
of Order.

54 & 55
Vict., c. 39.
54 & 55
Vict., c. 38.

Adaptation
of Stamp
Act, 1891.

15. This Part of this Order applies to the Stamp Acts, that is to say, the Stamp Act, 1891, the Stamp Duties Management Act, 1891, and any other enactments relating to stamp duties, including fees collected or received by means of stamps.

16. The Stamp Act, 1891, as amended by any subsequent enactment, shall have effect subject to the following adaptations:—

- (a) An instrument which, by virtue of sub-section (1) of section twenty-nine of the Government of Ireland Act, 1920,^[1] is not to be deemed to have been duly stamped unless and until stamped with a stamp denoting an amount equal to the excess mentioned in that sub-section, may, notwithstanding anything in section fifteen of the Act,^[2] be stamped with such a stamp as aforesaid without payment of any penalty at any time within thirty days after it has been first received in Northern Ireland or in the other part of the United Kingdom, as the case may be;
- (b) ^[3]
- (c) References in the Act to the Society of King's Inns in Dublin shall include a reference to any corresponding society which may be established at Belfast;^[4]
- (d) References to a public department or a public department of the State shall be construed as including references to a public department of the Government of Northern Ireland;
- (e) References to Ireland in sections forty-five, forty-six, forty-seven, and forty-eight, and in

the headings "Admission," "Certificate," and "Faculty," in the First Schedule to the Act, shall be construed as references to Southern Ireland or Northern Ireland, and the expression "in Ireland in the City of Dublin" in the heading "Certificate" in the said Schedule means, in the application of the Act to Northern Ireland, "in Northern Ireland in the City of Belfast";^[5]

- (f) In the application of the Act to Northern Ireland, sub-section (2) of section one hundred and fourteen shall not apply;^[6]
- (g) The reference to Government or parliamentary stocks or funds, wherever it occurs, shall be construed as including a reference to stocks or funds of the Government or Parliament of Northern Ireland, and the reference to parliamentary taxes or duties in the heading "Receipt" in the First Schedule to the Act shall be construed as including a reference to taxes or duties imposed by the Parliament of Northern Ireland.

[¹] See Chapter I above.

[²] "the Act"; *i.e.*, the Stamp Act, 1891.

[³] Paragraph (b) made adaptations of s. 20 of the Act of 1891, and was repealed, together with that section and s. 28 of the same Act, by s. 3 of 15 & 16 Geo. 5, c. 30 (N.I.). Ss. 20 and 28 had reference to certain sums payable to the King's Inns, Dublin. As to the Inn of Court of Northern Ireland, see note on 7th Schedule to the Act of 1920, p. 152 above.

[⁴] Paragraph (c) contained also an adaptation (omitted) of ss. 20 and 28 of the Act of 1891, which sections as so adapted are now repealed; see note [³] above. The unrepealed part of paragraph (c) operates in respect of stamp duty payable in Great Britain, so as to give the following effect to s. 21 and part of the 1st Schedule of the Act of 1891:—

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21. If any person who has been duly admitted a member of one of the Inns of Court in England is afterwards duly admitted as a student of the Society of the Inn of Court of Northern Ireland, the duty paid by him in respect of his former admission is, on application made within six months after the last admission, to be allowed and returned to him.

First Schedule.

Duty.

Admission of any person to be a member	
of any of the four Inns of Court in	
England	£25

Exemption.

(2) Admission of any person who has been previously duly admitted a student of the Society of the Inn of Court of Northern Ireland, to be a member of any of the Inns of Court in England.

Stamp duty payable in Northern Ireland in respect of admission to the degree of barrister-at-law in Northern Ireland, and admission as a student of the Inn of Court in Northern Ireland, is now governed by 16 & 17 Geo. 5, c. 24 (N.I.), which supersedes, *pro tanto*, the Act of 1891 as adapted by the Order in Council to which this note relates.

[⁵] Paragraph (e) relates mainly to admissions to the bar and solicitors' certificates.

[⁶] This relates to composition from stamp duty on certain transfers of colonial stock.

Adaptation
of Stamp
Duties
Management
Act, 1891.

17. The Stamp Duties Management Act, 1891, as amended by any subsequent enactment, shall have effect subject to the following adaptations:—

- (a) In sections one and twenty-seven of the Act the expression "chargeable by law" shall mean, in the application of the Act to the United Kingdom exclusive of Northern Ireland, chargeable by law in that part of the United Kingdom, and, in the application of the Act to Northern Ireland, chargeable by law in Northern Ireland;

- (b) In the application of the Act to Northern Ireland, references to the chief office¹ shall be construed as references to the chief office of the Minister^[1] of Finance for Northern Ireland for the purposes of inland revenue, and references to the head offices shall not apply; **1922 No. 80**
- (c) The expression "stamp" shall mean, in the application of the Act to the United Kingdom exclusive of Northern Ireland, a stamp provided or to be provided by a department of the Government of the United Kingdom, and, in the application of the Act to Northern Ireland, a stamp provided^[2] or to be provided by the Minister^[1] of Finance for Northern Ireland;
- (d) The reference in section twenty-two of the Act to the London, Edinburgh, and Dublin Gazettes shall be construed as including a reference to the Belfast Gazette.

[¹] As to the Minister, see note [¹] on article 3 above.

[²] As to designs for stamps, see p. 20 above.

18. The enactments hereinafter in this article specified shall, in their application to Northern Ireland, have effect subject to the following adaptations respectively:—

- (a) The references to duties in section sixty-four of the Civil Bill Courts (Ireland) Act, 1851, and in section eight of the Manor Courts Abolition (Ireland) Act, 1859, shall be construed as references to duties chargeable in Northern Ireland; ^{14 & 15 Vict., c. 57.}
- (b) The references in the Petty Sessions Clerk (Ireland) Act, 1858, and in the Dogs Regulation (Ireland) Act, 1865, to petty sessions clerks in Ireland shall be construed as references to petty sessions clerks in Northern Ireland; ^{22 Vict., c. 14.}
- (c) The references in the Petty Sessions Clerk (Ireland) Act, 1858, and in the Dogs Regulation (Ireland) Act, 1865, to petty sessions clerks in Ireland shall be construed as references to petty sessions clerks in Northern Ireland; ^{21 & 22 Vict., c. 100.}
- (d) The references in the Petty Sessions Clerk (Ireland) Act, 1858, and in the Dogs Regulation (Ireland) Act, 1865, to petty sessions clerks in Ireland shall be construed as references to petty sessions clerks in Northern Ireland; ^{23 & 29 Vict., c. 50.}

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58 & 59
Vict., c. 16.

62 & 63
Vict., c. 9.

61 & 62
Vict., c. 17.

61 & 62
Vict., c. 46.

(c) The reference to the Queen's printer of Acts of Parliament in section twelve of the Finance Act, 1895, shall, in relation to Acts of the Parliament of Northern Ireland, be construed as a reference to the Government Printer of Northern Ireland;^[2] and the references to the London Gazette in section fourteen of that Act and in section twelve of the Finance Act, 1899, shall be construed as references to the Belfast Gazette;^[3]

(d) The reference in section thirty-nine of the Solicitors (Ireland) Act, 1898, to the head office of inland revenue in Dublin shall be construed as a reference to the chief office of the Minister^[4] of Finance for Northern Ireland for the purposes of inland revenue; and section fifty-eight of that Act shall have effect as if the reference to a person appointed to be solicitor to the Treasury included a reference to a person appointed to be solicitor to the Minister^[4] of Finance for Northern Ireland;

(e) The reference to inland revenue in section nine of the Revenue Act, 1898, shall be construed as a reference to the revenue arising in Northern Ireland from transferred taxes;^[5]

(f) ^[6]

[¹] These enactments relate to stamps upon forms of process in the county court and courts of summary jurisdiction, and upon certain licences.

[²] This enactment relates to the collection of stamp duty in cases where property is vested by Act of Parliament, or purchased under statutory power.

[³] These enactments relate to notices to be published by the Revenue Commissioners.

[⁴] As to the Minister, see note [¹] on article 3 above.

[⁵] This enactment relates to the recovery of fees to be taken in Public Offices.

[*] This paragraph had reference to s. 36 of the Companies (Consolidation) Act, 1908, repealed by 22 & 23 Geo. 5, c. 7 (N.I.). **1922 No. 80**

19. References to the United Kingdom in section eight of the Finance Act, 1899, in the application of that section to the United Kingdom exclusive of Northern Ireland shall be construed as references to that part of the United Kingdom, and in the application of that section to Northern Ireland shall be construed as references to Northern Ireland. **Adaptation as to duty on loan capital of companies, etc.**

20. The powers to be exercised and the duties to be performed by the Postmaster-General under the Inland Revenue and Post Office (Powers and Duties) Order, 1914, shall cease to be exercised or performed by him in so far as those powers and duties relate to or are connected with duties chargeable in Northern Ireland and stamps for denoting such duties. **Adaptation of S. R. & O. 1914, No. 524.**

PART V.

Excise Duties Acts.

21. This Part of this Order applies to the Excise Acts, that is to say, the Acts relating to the duties of excise and the management of those duties. **Application of Part V of Order.**

22. The Excise Acts, so far as they relate to such duties of excise as are transferred taxes and matters incidental thereto, shall be subject to the following adaptations:— **Adaptation of the Excise Acts.**

(a) In those Acts, in their application to Northern Ireland—

- (i) references to officers of the Commissioners of Customs and Excise, or their predecessors, shall, except where they occur in sections thirty-eight and one hundred and seven of the Excise Management Act, 1827, and

7 & 8 Geo. 4, c. 58.

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4 & 5 Will. 4,
c. 51.

7 Edw. 7,
c. 13.

6 Geo. 4,
c. 81.

4 & 5 Vict.,
c. 20.
23 & 24
Vict., c. 113.

section twenty-eight of Excise Management Act, 1834, be construed as references to the officers of the Minister^[1] of Finance for Northern Ireland; ^[2]

- (ii) the references to Dublin in section sixty-nine of the Excise Management Act, 1827, and section four of the Finance Act, 1907, shall be construed as references to Belfast;
- (iii) references to Orders by His Majesty in Council shall be construed as references to Orders by the Lord Lieutenant in Council;
- (b) References to the United Kingdom, except where they occur in section nine of the Excise Licences Act, 1825, section seventy-four of the Excise Management Act, 1827, section seven of the Excise Management Act, 1841, and paragraph 2 of section nineteen of the Excise Act, 1860, shall, in the application of the Acts to Northern Ireland, be construed as references to Northern Ireland, and in the application of the Acts to the rest of the United Kingdom, be construed as references to the United Kingdom exclusive of Northern Ireland; ^[2]
- (c) References to Ireland shall, in the application of the Acts to Northern Ireland, be construed as references to Northern Ireland, and in the application of the Acts to the rest of the United Kingdom, be construed as references to Southern Ireland;
- (d) The special provisions applicable within the limits of the chief office of excise and the chief office of excise at Dublin shall not apply to Northern Ireland;
- (e) The provisions of section seven of the Customs and Inland Revenue Act, 1890, section seven-

53 & 54
Vict., c. 8.

teen of the Finance Act, 1907, and section seventeen of the Revenue Act, 1911, shall not apply to Northern Ireland.^[3]

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1 & 2 Geo. 5,
c. 2.

[1] As to the Minister, see note [1] on article 3 above.

[2] The references excepted from adaptation relate to reserved matters, or to matters in connection with which the United Kingdom remains as a unit for administration or for other purposes.

[3] These provisions relate to the Local Taxation Accounts, and have ceased to have effect as respects Northern Ireland.

23.—(1) The Commissioners of Customs and Excise may certify that any powers of the Commissioners and their officers under the Excise Acts are necessary for preventing the evasion of the excise duties the levying of which is reserved to the Commissioners, and any powers so certified shall remain exerciseable by the Commissioners, and the provisions relating thereto shall continue to have effect as if the adaptations made by this Part of this Order had not been made:

Exception as
to powers for
preventing
evasion
of reserved
taxes.

Provided that nothing in this article shall prevent the Minister^[1] of Finance for Northern Ireland and his officers from exercising any such powers if and so far as their exercise is, in his opinion, necessary for the charging, levying, or collection of the duties of excise transferred to the Government of Northern Ireland.

(2) Where the Commissioners of Customs and Excise certify that it is necessary, with a view to preventing the evasion of any excise duty the levying of which is reserved to them, that they should continue to have control over some specified class of excise traders, the Minister^[1] of Finance in Northern Ireland shall not grant an excise licence to a trader of that class without the consent of the Commissioners.^[2]

[1] As to the Minister, see note [1] on article 3 above.

[2] For the principle underlying this article see s. 22 (5) of the Act of 1920 in Chapter I above.

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Register
showing
annual value
of licensed
premises.

Transitional
provisions as
to payment
and allow-
ance of
excise duty.

24. The Commissioners of Customs and Excise shall cause a copy to be made as on the appointed day of so much of the register kept by them in pursuance of section forty-four of the Finance (1909-10) Act, 1910, as relates to premises in Northern Ireland, and shall transmit such copy to the Minister^[1] of Finance for Northern Ireland, and the copy so transmitted shall form the register under the said section as on the appointed day in Northern Ireland.

[1] As to the Minister, see note [1] on article 3 above.

25. Where any excise duty has become due, but has not been paid, before the appointed day, and the duty is one which, if it had become due after the appointed day, would have been collected by the Minister^[1] of Finance for Northern Ireland, that Minister^[1] shall have power to collect and enforce payment thereof in like manner as if it had become due after the appointed day; and where any such duty has been paid before the appointed day, and any repayment or allowance in respect thereof falls to be made after the appointed day, the repayment or allowance shall be made or granted by that Minister,^[1] and that Minister^[1] shall be empowered to obtain from the person claiming any such repayment or allowance such evidence as he may require of the payment of the duty in respect of which the repayment or allowance is claimed and of the title of the claimant to any such repayment or allowance.

[1] As to the Minister, see note [1] on article 3 above.

[Article 26 had reference to Southern Ireland, but the Act of 1920 is inoperative save in Northern Ireland.]

PART VI.

Income Tax Acts.

27. This Part of this Order applies to the Income Tax Acts, that is to say, the Income Tax Act, 1918

Application
of Part VI
of Order.
8 & 9 Geo. 5,
c. 40.

(in this Part referred to as the Act of 1918), and any other enactments relating to income tax. **1922
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28. The Income Tax Acts shall be subject to the following adaptations:— **Adaptation
of Income
Tax Acts.**

- (a) References to Acts of Parliament, except in sections thirty-five and two hundred and ten of the Act of 1918,^[1] shall be construed as including references to Acts of the Parliament of Northern Ireland;
- (b) References to each or either House of Parliament, except in section two hundred and thirty-six of the Act of 1918,^[1] shall be construed as including references to each or either House of the Parliament of Northern Ireland;
- (c) Schedule E in the Act of 1918 shall have effect as if after the words "public revenue of the United Kingdom" there were inserted the words "or of Northern Ireland";
- (d) References to the Irish Insurance Commissioners and the Department of Agriculture and Technical Instruction for Ireland shall, in relation to Northern Ireland, be construed as references to the corresponding departments of the Government of Northern Ireland.^[2]

[¹] The references excepted from adaptation relate to matters in connection with which the Parliament of Northern Ireland has no jurisdiction.

[²] The corresponding departments are, respectively, the Ministry of Labour and the Ministry of Agriculture.

PART VII.

Corporation Profits Tax Acts.^[1]

[¹] This Part of the Order, consisting of articles 29 and 30, is omitted as inoperative, because corporation profits tax was terminated by s. 34 of 14 & 15 Geo. 5, c. 21 (U.K.), as respects profits arising in an accounting period commencing after 30th June, 1924.

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Application
of Part VIII
of Order.39 & 40
Vict., c. 36.Modification
of Customs
Acts.

PART VIII.

Customs Acts.

31. This Part of this Order applies to the Customs Acts, that is to say, the Customs Consolidation Act, 1876, and any other enactment amending that Act or otherwise relating to duties of customs.

32. The Customs Acts, in their application to Northern Ireland, shall have effect subject to the following modifications:—

- (a) In section one hundred and thirty-six of the Customs Consolidation Act, 1876, the reference to “other Government officers” shall be construed as including officers of the Government of Northern Ireland;
- (b) In section two hundred and sixty-four of the Customs Consolidation Act, 1876, the reference to “Dublin” shall be construed as a reference to Belfast.

RE-SEALING OF PROBATES, ETC.

STATUTORY RULES AND ORDERS, 1922,

No. 81, dated 31st January, 1922.

[Order recites ss. 69 (a), 28 (5), and 41
of the Act of 1920.]

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Re-sealing of Probates, etc.) Order, 1922.^[1]

(2) In this Order, unless the context otherwise requires—

The expression “the Act of 1857” means the Probates and Letters of Administration Act (Ireland), 1857, including any enactments, rules, and regulations by which that Act has been extended, amended, or applied.

20 & 21
Vict., c. 79.

The expression "the Act of 1858" means the Confirmation of Executors (Scotland) Act, 1858, including any enactments, rules, and regulations by which that Act has been extended, amended, or applied.

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21 & 22
Vict., c. 56.

[1] This Order was first made on 21st November, 1921, and operated provisionally from that date under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 2nd December, 1921, and pp. 41 and 55 in Part I of this work.

2.—(1) [1]

(2) References in the Act of 1857 or in the Act of 1858 to Ireland shall be construed as references to Northern Ireland.^[2]

Re-sealing as
between
Northern
Ireland and
England
or Scotland.

[1] This sub-section is omitted, as it had reference to re-sealing of grants as between Southern and Northern Ireland, and the Act of 1920 is inoperative save in Northern Ireland.

[2] Words referring to Southern Ireland omitted; see note [1] above.

3.—(1) Where in pursuance of the provisions of section ninety-four or ninety-five of the Act of 1857, or of Article 2 of this Order, Probate or Letters of Administration granted by the Court in Northern Ireland are deposited for the purpose of being re-sealed under those provisions in England,^[1] or Probate or Letters of Administration granted by the court in England^[1] are deposited for the purpose of being re-sealed under those provisions in Northern Ireland, then, in lieu of a certificate showing that estate duty has been paid on the issue of the original grant in respect of the assets situate in the country in which the grant is to be re-sealed, there shall be delivered to the authority charged with re-sealing, together with the grant to be re-sealed, an affidavit accounting for the estate duty, or duty in the nature of estate duty,

Provisions as
to re-sealing
as respects
persons
dying on
22nd Nov.,
1921, or after
that date
and before
1st April,
1923.

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(if any) (in respect of the assets situate within the jurisdiction of the re-sealing authority, in like manner as upon an application for an original grant of representation to such authority.

(2) Where in pursuance of section thirteen of the Act of 1858 Scottish confirmation is produced for the purpose of being sealed in Northern Ireland, then before the confirmation is so sealed an affidavit shall be filed and the Northern Irish estate duty, or duty in the nature of estate duty, (if any) payable in respect of the assets situate in Northern Ireland shall be paid in the same manner as if an application was being made for an original grant.

(3) Where in pursuance of section fourteen of the Act of 1858 a Northern Ireland grant of representation is produced for the purpose of being certified in Scotland, then before the grant is so certified an inventory shall be filed and British estate duty (if any) payable in respect of the assets situate in Scotland shall be paid in the same manner as if an original application was being made for confirmation.

5 & 6 Geo. 5,
c. 89.

(4) Notwithstanding the provisions of section forty-eight of the Finance (No. 2) Act, 1915, grants of representation by any court in Great Britain^[1] shall not have effect with respect to Government stock in Northern Ireland, and grants of representation in Northern Ireland shall not have effect with respect to Government stock outside Northern Ireland, unless sealed or certified in the country where the stock is situate, in accordance with the provisions of the Acts of 1857 and 1858 as modified by this article.

(5) This article does not apply where the person in respect of whom the representation is granted died before the twenty-second day of November, nineteen hundred and twenty-one.^[2]

[¹] Words referring to Southern Ireland omitted; see note [¹] on article 2 above. **1922 No. 82**

[²] As to cases of persons dying on or after 1st April, 1923, see S. R. & O. 1923, No. 613, in this Chapter below.

TRANSFER AND APPORTIONMENT OF PROPERTY.

STATUTORY RULES AND ORDERS, 1922,
No. 82, dated 31st January, 1922.

[Order recites s. 69 (*f*) of the Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Transfer and Apportionment of Property) Order, 1922.^[1] **Citation and interpretation.**

(2) The Interpretation Act, 1889, applies for the purposes of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. **52 & 53 Vict., c. 63.**

[¹] This Order was first made on 21st November, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 2nd December, 1921, and pp. 41 and 55 in Part I of this work.

2.—(1) Any property or assets held by or in trust for any department or authority of the Government of the United Kingdom, if held solely for the purposes of the administration of Irish services^[1] in Northern Ireland, shall be transferred to the Government of Northern Ireland, and if held partly for those purposes and partly for the purposes of the administration of— **Transfer of property to Government of Northern Ireland by Joint Exchequer Board.**

- (a) Irish services in Southern Ireland, or
- (b) public services which are not Irish services, or
- (c) Irish services in Southern Ireland and public services which are not Irish services,

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shall be apportioned as between the Government of Northern Ireland and the Government of the United Kingdom in such shares or parts as may be determined by the Joint Exchequer Board, and the share or part apportioned to the Government of Northern Ireland shall be transferred to that Government.^[2]

(2) The Joint Exchequer Board may make such adjustments of property, assets, rights, and liabilities as appear to them to be necessary and proper for the purposes of any transfers or apportionments under this Order.

[1] For definition of Irish services see s. 8 (8) of the Act of 1920 in Chapter I above.

[2] The exercise of the powers of the Joint Exchequer Board under this Order is shown by the following list, which sets out the subject-matters and dates of the various orders:—

Buildings, etc.	24th May, 1922.
Burke Memorial and Registration Council Funds	4th December, 1922.
Charitable Donations and Bequests	6th March, 1922. 5th July, 1922. 30th September, 1924.
Council of Ireland Services (Property and Assets)	29th March, 1926.
Department of Agriculture and Technical Instruction (Property) ...	17th March, 1922.
Department of Agriculture and Technical Instruction (Endowment Fund)	4th December, 1922.
Development Fund	5th March, 1924.
Endowed Schools	27th July, 1922.
Enniskillen Royal School Endowment	5th February, 1923.
Forestry Fund	6th March, 1923.
Intermediate Education Fund ...	4th December, 1922.
Irish Church Temporalities Fund ...	24th May, 1922. 4th July, 1923.
Irish Housing Fund	3rd December, 1923.
Labourers' Cottages Fund	4th December, 1922.

Local Taxation Account (including Guarantee Fund)	6th March, 1923. 3rd December, 1932. 30th September, 1924.	1922 No. 82
National Monuments Fund	5th July, 1922.	
Petty Sessions Fund	4th December, 1922.	
Public Works Loans	5th April, 1922.	
Public Works Loans (Lough Erne Drainage)	5th April, 1922.	
Road Fund	5th April, 1922.	
Sanatorium Grant	4th December, 1922.	
Teachers' Pension Fund	27th March, 1922.	

See also S. R. & O. 1922, No. 289, at p. 506 below.

3. Any property or assets to be transferred to the Government of Northern Ireland in pursuance of this Order shall be transferred to such department, authority, or officer of that Government as may be specified in an order of the Joint Exchequer Board, and shall be transferred to, and vest in, that department, authority, or officer on the date fixed by the Order without the necessity of any transfer, assignment, or other instrument, but subject to any liabilities mentioned in the Order.

Vesting of
transferred
property.

4. The Joint Exchequer Board may hold or cause to be held such inquiries as they consider necessary for the purpose of the execution of their duties, and the chairman or any other member of the board designated by the board in that behalf, or any person appointed by the board to hold such inquiry shall, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters, have similar powers to those conferred upon poor law inspectors by the Poor Law Acts^[1] in their application to Southern Ireland and to Northern Ireland respectively.

Holding of
inquiries
by Joint
Exchequer
Board.

[¹] See, in particular, ss. 19 and 20 of 10 & 11 Vict., c. 90.

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Proof of
Orders
of Joint
Exchequer
Board.

Exception
of land and
equipment
from being
apportioned.

5. Every document purporting to be an Order made by the Joint Exchequer Board and to be signed by the chairman or deputy chairman of the board shall be received in evidence and be deemed to be such an Order without further proof, unless the contrary is shown.

6. The provisions of this Order as to apportionment shall not apply to any land or the contents or equipment of any public buildings (including the premises of any public department).

RESERVATION OF LAND COMMISSION POWERS.

STATUTORY RULES AND ORDERS, 1922,
No. 83, dated 31st January, 1922.

[Order recites ss. 9 (3) and 69 of
the Act of 1920.]

Citation.

1. This Order may be cited as the Reservation of Land Commission Powers (Northern Ireland) Order, 1922.^[1]

[¹] This Order was first made on 21st November, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 2nd December, 1921, and pp. 41 and 55 in Part I of this work.

Reservation
of certain
powers of
Irish Land
Commission.

2. The powers of the Irish Land Commission^[1] under or for the purposes of the enactments^[2] specified in the schedule to this Order, so far as they are powers with respect to holdings subject to purchase annuities and the apportionment and consolidation of such annuities, shall, as respects Northern Ireland, be included in the reservation of the general subject-matter of the Acts relating to land purchase in Ireland to the extent mentioned in the said schedule.

Schedule.
RESERVED POWERS.

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Enactments.	Nature of Powers.	Extent to which reserved.
Land Law (Ireland) Act, 1881, s. 30 (1) (a).	To consent to subdivision of holdings, to apportion purchase annuities on subdivision or discharge portions of holdings from purchase annuities.	44 & 45 Vict., c. 49.
Land Law (Ireland) Act, 1896, s. 38 (3).		59 & 60 Vict., c. 47.
Irish Land Act, 1903, s. 54 (1) (a).	To regulate turbary and turbary rights, and to determine disputes between tenants or proprietors of holdings.	3 Edw. 7, c. 37.
Turbary (Ireland) Act, 1891, s. 4.		54 & 55 Vict., c. 45.
Irish Land Act, 1903, ss. 21 & 22.		9 Edw. 7, c. 42.
Irish Land Act, 1909, s. 22.		
Irish Land Act, 1903, s. 67 (3).	To apply and give effect to provisions for the consolidation of holdings and purchase annuities in certain cases.	" "
Irish Land Act, 1909, s. 33.		
Irish Land Act, 1909, s. 32 (1) (b).	To give effect to the provisions of the section as to trees.	" "
Purchase of Land (Ireland) (No. 2) Act, 1901, s. 2.	To give effect to the provisions of the section.	Wholly reserved. 1 Edw. 7, c. 30.
Irish Land Act, 1909, s. 30.	To provide for the repayment of money expended on improvements.	" "
Irish Land (Provision for Sailors and Soldiers) Act, 1919, s. 2.	To consent to alienation, etc., exercise options and issue certificates.	" " 9 & 10 Geo. 5, c. 82.
Purchase of Land (Ireland) Act, 1885, ss. 2 & 3.	Powers with respect to guarantee deposits.	48 & 49 Vict., c. 73.
Land Law (Ireland) Act, 1887, ss. 10, 12 & 13.		50 & 51 Vict., c. 33.

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Enactments.	Nature of Powers.	Extent to which reserved.
<p>54 & 55 Vict., c. 48.</p> <p>Purchase of Land (Ireland) Act, 1891, ss. 4, 23 & 24.</p> <p>Land Law (Ireland) Act, 1896, s. 29.</p> <p>Irish Land Act, 1903, ss. 11 & 68, and any other enactments relating to guarantee deposits.</p>	<p>Powers with respect to guarantee deposits.</p>	<p>Wholly reserved.</p>

[1] "Irish Land Commission." See s. 9 (3) of the Act of 1920 in Chapter I above, and S. R. & O. 1923, No. 615, below in this Chapter, under which the powers and duties of the Irish Land Commission under the Land Purchase Acts passed, as respects Northern Ireland, to the Land Purchase Commission, Northern Ireland.

[2] "enactments." For later legislation of the United Kingdom Parliament in reference to the subject-matter of some of these enactments, see the Northern Ireland Land Act, 1925 (15 & 16 Geo. 5, c. 34), and the Northern Ireland Land Act, 1929 (19 & 20 Geo. 5, c. 14).

ADAPTATION OF ENACTMENTS (No. 3).

STATUTORY RULES AND ORDERS, 1922,
No. 183, dated 3rd March, 1922.

[Order recites s. 69 (a), (b), and (f) of
the Act of 1920.]

PART I.

General.

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of Enactments) (No. 3) Order, 1922.

(2) In this Order the expression "appointed day" **1922 No. 183** means, with respect to the enactments mentioned in Part II of this Order, the first day of December, nineteen hundred and twenty-one, and, with respect to the enactments mentioned in Parts III to VIII of this Order, the first day of January, nineteen hundred and twenty-two.^[1]

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. **52 & 53 Vict., c. 63.**

[1] This Order was first made on 22nd December, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 6th January, 1922, and pp. 41 and 55 in Part I of this work.

2.—(1) The enactments to which the several Parts **General.** of this Order hereinafter contained apply shall—

- (a) in the case of the enactments mentioned in Part IX of this Order, as from the date of this Order; and
- (b) in the case of the enactments mentioned in the other Parts of this Order, as from the appointed day—

have effect subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament. **10 & 11 Geo. 5, c. 67.**

(2) Subject to the express adaptations and modifications made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by **S. R. & O. 1921, No. 1804.**

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this Order, apply thereto in like manner as to other enactments.

(3) The adaptations and modifications made by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so adapted or modified and in force immediately before the appointed day or the date of this Order, as the case may be, in like manner as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.

[¹] For this general Order see p. 403 above.

PART II.

Home Office Acts.

Application
of Part II of
Order.

3. This Part of this Order applies to the enactments hereinafter mentioned in that Part being enactments heretofore administered by the Secretary of State:

Provided that, if and so far as any of the provisions of the said enactments relate to matters with respect to which the Parliament of Northern Ireland has not power to make laws, the modifications and adaptations effected by this Part of this Order shall not apply to those provisions.

Adaptation
of 38 & 39
Vict., c. 17.

4.—(1) In the Explosives Act, 1875, references to the United Kingdom shall, in the application of that Act to Northern Ireland, be construed as references to Northern Ireland, and in the application of that Act to the rest of the United Kingdom, be construed as references to the United Kingdom exclusive of Northern Ireland.

(2) In the Explosives Act, 1875, in its application to Northern Ireland— **1922**
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(a) References to His Majesty and Orders in Council, except^[1] where they occur in sub-section (2) of section ninety of, and paragraph (6) of Part II of the First Schedule to, that Act, shall be construed as references to the Lord Lieutenant and to Orders of the Lord Lieutenant in Council respectively;

(b) References to the London Gazette shall be construed as references to the Belfast Gazette.

[1] The enactments excepted from adaptation relate to matters outside the jurisdiction of the Government of Northern Ireland.

PART III.

Weights and Measures Acts.

5.—(1) This Part of this Order applies to the Weights and Measures Acts, 1878 to 1919 (in this Part of this Order referred to as “the Acts”).^[1] Application and interpretation of Part III of Order.

(2) In this Part of this Order, unless the context otherwise requires—

The expression “the Ministry” means the Ministry of Commerce for Northern Ireland;

The expression “the Act of 1878” means the Weights and Measures Act, 1878; 41 & 42 Vict., c. 49.

References to weights and measures shall be construed as including references to weighing machines, weighing instruments, and measuring instruments.

[1] The Act of 1919 (9 & 10 Geo. 5, c. 29) was repealed by the Northern Ireland statute 20 & 21 Geo. 5, c. 16. and the collective title is now “the Weights and Measures Acts (Northern Ireland), 1878 to 1930.” See also 12 & 13 Geo. 5, c. 8 (N.I.), s. 1 (4), at p. 316 above.

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Application
of Weights
and Meas-
ures Acts
to Northern
Ireland.

6. The Acts in their application to Northern Ireland shall have effect subject to the following adaptations:—

- (a) Except where the context otherwise requires, references to the Board of Trade shall be construed as references to the Ministry, and references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland;
- (b) The references to the commencement of the Act of 1878 in section nine of that Act shall be construed as references to the appointed day;
- (c) The references in sections thirty-nine and sixty-three respectively of the Act of 1878 to the London Gazette and the London, Edinburgh, and Dublin Gazettes, shall be construed as references to the Belfast Gazette;
- (d) References to orders made or to be made, and to approval given or to be given, by His Majesty in Council shall be construed as references to orders made or to be made, and to approval given or to be given, by the Lord Lieutenant in Council.^[1]

[¹] Now the Governor of Northern Ireland in the Privy Council of Northern Ireland.

References
to Ireland.

7. Unless the context otherwise requires, references to Ireland shall, in the application of the Acts to Northern Ireland, be construed as references to Northern Ireland.^[1]

[¹] References to Southern Ireland omitted, as the Act of 1920 is inoperative save in Northern Ireland.

Primary and
secondary
standards of
measure
and weight.

8. The following provisions shall have effect with respect to primary and secondary standards of measure and weight for the purposes of the Acts in Northern Ireland:—^[1]

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- (1) If the Ministry by order so direct, there shall be primary standards of measure and weight for Northern Ireland for determining the imperial standard yard and the imperial standard pound respectively, and for the purpose of providing such primary standards for Northern Ireland the Ministry shall cause accurate copies to be made of the Imperial standard of weight and the Imperial standard of measure of the same form and material as the Imperial standards, and the copies so made shall, when approved by the Lord Lieutenant in Council,^[2] be the primary standards for Northern Ireland.

Provision may be made by order under this paragraph for applying in relation to the primary standards for Northern Ireland any of the provisions of the Acts relating to the Parliamentary copies of the Imperial standards.

- (2) The Ministry shall, as soon as may be after the appointed day and thereafter from time to time, cause to be provided and verified such secondary standards of measure and weight (being standards of such denominations as the Board of Trade have power to cause to be made under section eight of the Act of 1878, as amended and extended by any other enactment contained in the Acts), as appear to the Ministry to be required for the purposes of the Acts in Northern Ireland.
- (3) If at the date of verification primary standards have been provided for Northern Ireland, the Ministry may, if they think fit, by order direct that the secondary standards made under the foregoing paragraph shall be duly verified by comparison with those standards.

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- (4) If at the date of verification no order has been made by the Ministry under the last preceding paragraph, the Ministry shall cause the secondary standards made as aforesaid to be duly verified by comparison with the Board of Trade standards, and the Board shall from time to time, on being so required by the Ministry and at their expense, verify any standards submitted to the Board by the Ministry for verification:

Provided that, if the Ministry so think fit, any of the secondary standards aforesaid other than the standards for determining the imperial standard yard and the imperial standard pound respectively, may be verified by comparison with those other standards and with each other, instead of by comparison with the Board of Trade standards.

- (5) The secondary standards provided and verified under the foregoing provision shall, when approved by the Lord Lieutenant in Council,^[2] be the secondary standards for Northern Ireland, and shall be called the Northern Ireland secondary standards, and references in the Acts to the Board of Trade standards shall, in the application of the Acts to Northern Ireland, be construed as references to the Northern Ireland secondary standards.
- (6) The Northern Ireland secondary standards, and the Northern Ireland primary standards (if any), shall be in the custody of the Ministry.

[¹] As to the suspension of certain provisions of this article and articles 9 and 10 of this Order, see article 4 of S. R. & O. 1923, No. 803, below in this Chapter.

[²] See note [¹] on article 6 of this Order above.

9.—(1) All local standards of measure and weight (including local sub-standards and working standards) provided and verified, and all weights and measures verified and stamped, under the Acts before the appointed day shall, for the purposes of those Acts in their application to Northern Ireland,^[1] be deemed to have been provided and verified, or verified and stamped, as the case may be, under those Acts as applying to Northern Ireland and as adapted by this Part of this Order, and all indentures, accounts, statements, and other documents relating to the verification or re-verification of any standards in Northern Ireland shall be deemed to have been made, issued, signed, and kept under the said enactments as so applying and adapted as aforesaid.

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Local
standards of
measure
and weight.

(2) Notwithstanding anything in the Acts the Ministry may by order direct that the time within which local standards are required to be re-verified shall be extended to such date, not being later than four weeks after the date on which secondary standards for Northern Ireland are first approved by the Lord Lieutenant in Council, as the Ministry may think fit.^[2]

[¹] For an amending Act see 20 & 21 Geo. 5, c. 16 (N.I.).

[²] See note [¹] on article 8 of this Order above.

10.—(1) If and so long as there are no primary standards for Northern Ireland, section thirty-six of the Act of 1878 shall not apply to Northern Ireland, and in lieu thereof the following provision shall have effect in relation to Northern Ireland:—

Adaptation
of s. 36 of
the Act of
1878 as to
verification
of Northern
Ireland
standards.

“Once at least in every five years the Ministry shall cause the Northern Ireland secondary standards for determining the imperial standard yard and the imperial standard pound respectively to be compared with the corresponding Board of Trade standards, and the other Northern Ireland

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secondary standards to be compared with either the first-mentioned secondary standards or the Board of Trade standards and with each other, and shall, so far as is necessary, in any case cause the Northern Ireland secondary standards to be adjusted or renewed, and the Board of Trade shall, on being so required by the Ministry and at the expense of the Ministry, do all things necessary for enabling the Ministry to give effect to the requirements of the foregoing provision.”^[1]

(2) If and when primary standards are provided for Northern Ireland, the Ministry may, if they think fit, by order direct that as from such date as may be specified in the order the foregoing provisions of this article shall cease to have effect, and if any such order is made the said section thirty-six shall as from the date specified in the order apply to Northern Ireland with the substitution of the primary standards for Northern Ireland for the Parliamentary copies of the Imperial standards.

[1] See note [1] on article 8 of this Order above.

Adaptation
of references
to United
Kingdom.

11. References to the United Kingdom in sections nineteen and forty-five of the Act of 1878 shall, in the application of those sections to the United Kingdom exclusive of Northern Ireland, be construed as references to that part of the United Kingdom and, in the application of those sections to Northern Ireland, be construed as references to Northern Ireland.

Inspectors of
weights and
measures.

12.—(1) If the Royal Irish Constabulary is disbanded^[1] or otherwise ceases to exist in Northern Ireland, or if the Ministry for any other reason think it desirable to make an order under this article, the Ministry may, after consultation with the Ministry of Home Affairs for Northern Ireland, by order direct

that the functions in connection with the verification and inspection of weights and measures which under the Acts are to be performed by members of the Royal Irish Constabulary shall be performed by the prescribed officers, or by persons selected in the prescribed manner from among the prescribed class of officers, and from and after the date on which the order comes into operation, references in Part V of the Act of 1878, and in section nineteen of the Weights and Measures Act, 1889, to persons holding any particular offices in, or to members of, the Royal Irish Constabulary shall, in the application of those enactments to Northern Ireland, be construed as references to the prescribed officers or to the persons selected in the prescribed manner from the prescribed class, as the case may require, and subject to the approval of the Ministry of Finance for Northern Ireland, provision may be made by the order with respect to the manner in which fees taken by ex-officio inspectors of weights and measures in Northern Ireland after the date on which the order comes into operation are to be applied.

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52 & 53
Vict., c. 21.

(2) An order made under this article may be revoked, varied, or amended by a subsequent order so made.

(3) In this article the expression "prescribed" means prescribed by an order made by the Ministry thereunder.

[1] The Royal Irish Constabulary force was disbanded on 31st August, 1922, under 12 & 13 Geo. 5, c. 55, and S. R. & O. 1922, No. 1441—see Chapter II above.

By s. 1 (4) of 12 & 13 Geo. 5, c. 8 (N.I.), the functions mentioned in this article devolved upon the Royal Ulster Constabulary; but the full operation of s. 1 (4) remained in suspense during the continuance in force of a temporary Act—13 & 14 Geo. 5, c. 2 (N.I.)—which expired on 31st December, 1925.

As to the destination of the fees taken by members of the R.U.C., see now s. 4 of 18 & 19 Geo. 5, c. 4 (N.I.),

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Saving for
matters out-
side powers
of N.I.
Parliament.

which appropriates them, first, in aid of the vote for expenses of the Ministry of Commerce, and as to the balance, in aid of the R.U.C. vote.

13. Nothing in this Part of this Order shall be taken as affecting or authorising any change in the standard of weights and measures, or as affecting any other matter with respect to which the Parliament of Northern Ireland has not power to make laws.^[1]

[1] See, especially, s. 4 (12) of the Act of 1920 in Chapter I above.

PART IV.

Moneylenders Acts.

Adaptation
of 63 & 64
Vict., c. 51,
and 1 & 2
Geo. 5, c. 38.

14. In the application to Northern Ireland of the Moneylenders Acts, 1900 and 1911—

(a) References to the Commissioners of Inland Revenue and to the Board of Trade shall be construed as references to the Ministry of Commerce for Northern Ireland;

(b) The reference to Ireland shall be construed as a reference to Northern Ireland.^[1]

[1] Proposals have been made to amend the law with respect to persons carrying on business as moneylenders in Northern Ireland, by enacting provisions similar to those of 17 & 18 Geo. 5, c. 21, which applies in Great Britain. Articles 14 to 16 of this Order may, if those proposals become law, be partly superseded.

Continuance
of
regulations.

15. The regulations made by the Commissioners of Inland Revenue under the said Acts^[1] and in force immediately before the appointed day shall continue in force in like manner and subject to the like powers of revocation and alteration as if they had been made under the said Acts as applying to Northern Ireland, and the regulations made by the Treasury under section three of the Public Offices Fees Act, 1879, with respect to fees under the said Acts and in force immediately before the appointed day shall continue

42 & 43
Vict., c. 58.

in force in like manner and subject to the like powers of revocation and alteration as if they had been made under the said Act as applying to Northern Ireland and with respect to fees chargeable under the said Acts in Northern Ireland:

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Provided that—

- (a) In the application to Northern Ireland of the regulations made by the Board of Trade under section six of the Moneylenders Act, 1900, and dated the 25th day of October, 1900—
- S. R. & O.
1900,
No. 804.
- (i) References to the Board of Trade shall be construed as references to the Ministry of Commerce for Northern Ireland;
- (ii) In Article 7 the reference to the office provided by the Commissioners of Inland Revenue shall be construed as a reference to the office provided by the Ministry of Commerce for Northern Ireland;
- (iii) The words “to the Commissioners of Inland Revenue” in Article 10 shall cease to have effect;
- (b) The office for the registration of moneylenders carrying on business in Northern Ireland shall be the office in Belfast of the Ministry of Commerce for Northern Ireland, and the provision with respect to the forwarding of copies of registration returns to the proper collector of customs and excise shall not apply, and collectors of customs and excise who on the appointed day have in their possession any such copies shall deal with them in such manner as the Ministry may direct.

[1] See note [1] on article 14 above.

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Register for
Northern
Ireland.

16.—(1)^f For the purpose of forming a register of persons carrying on business as moneylenders in Northern Ireland,^[1] the Commissioners of Inland Revenue shall separate from the register of moneylenders kept in Dublin so much thereof as at the appointed day relates to those persons, or, if such separation is not physically possible, shall cause a copy to be made as at the appointed day of so much of the register.

(2) The part of the register so separated, or the copy so made, as the case may be, shall be transmitted by the Commissioners of Inland Revenue to the Ministry of Commerce for Northern Ireland, together with any documents deposited or filed with the Commissioners which relate to such persons as aforesaid, and the part or copy so sent shall, as respects those persons, become the register as at the appointed day of moneylenders in Northern Ireland.

(3) If for any reason no register of moneylenders in Ireland exists on the appointed day and accordingly the part thereof or the copy of the part thereof cannot be transmitted as aforesaid, the Ministry of Commerce for Northern Ireland shall cause a register of the persons carrying on business as moneylenders in Northern Ireland to be compiled in such manner as the Ministry think fit.

[¹] See note [¹] on article 14 above.

PART V.

Trade Boards Acts.^[1]

[¹] This Part of the Order, consisting of articles 17 to 23 (inclusive), is omitted, because the Trade Boards Acts, 1909 and 1918, were repealed as respects Northern Ireland by 13 & 14 Geo. 5, c. 32 (N.I.), which consolidated and amended the law relating to Trade Boards.

PART VI.

Acts relating to Agriculture.

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24. This Part of this Order applies to the Agriculture and Technical Instruction (Ireland) Act, 1899 (hereinafter referred to as the "Act of 1899"), and the Agriculture and Technical Instruction (Ireland) (No. 2) Act, 1902, but the adaptations effected by this Part of this Order shall not apply to the said enactments so far as they relate to technical instruction, science or art,^[1] or any matters with respect to which the Parliament of Northern Ireland have not power to make laws.

Application of Part VI of Order. 62 & 63 Vict., c. 50. 2 Edw. 7, c. 33.

[¹] As to technical instruction, science and art, see article 7 of S. R. & O., 1922, No. 352, below in this Chapter.

25.—(1) The Act of 1899 in its application to Northern Ireland shall be subject to the following adaptations:—

Adaptation of the Act of 1899.

(a) References to the Department of Agriculture and Technical Instruction for Ireland, other than references in sections two and twenty-nine of the Act of 1899, shall be construed as references to the Ministry of Agriculture for Northern Ireland;^[1]

(b) In section thirty the definition of the expression "the purposes of agriculture and other rural industries" shall be construed as if the words "inland fisheries" were omitted;^[2]

(c) Sections one, four, six to nine, eleven, twelve, fifteen and sixteen, sub-section (2) of section seventeen, sections twenty to twenty-four, section twenty-seven, and (except so far as it relates to rules and regulations) section twenty-eight, shall cease to have effect.^[1]

(2) The Agriculture and Technical Instruction (Ireland) (No. 2) Act, 1902, shall cease to have effect.^[3]

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[¹] The adaptation of the provisions here excepted would have been inconsistent with the Act of 1920.

[²] The administration of inland fisheries, intended to be reserved to the Council of Ireland, passed to the Ministry of Commerce on 1st April, 1926—see Chapter IV above.

[³] The Act of 1902 made provision for the payment of a certain sum to the Department instead of to the Royal Dublin Society. It was repealed by 17 & 18 Geo. 5, c. 42 (S. L. R.).

PART VII.

Land Law (Ireland) Acts.

Interpre-
tation.
9 Edw. 7,
c. 42.

26. In this Part of this Order “the Acts” means the Land Law (Ireland) Acts as defined in the Irish Land Act, 1909.

Adaptation
of Land
Law Acts to
Northern
Ireland.
10 & 11
Geo. 5, c. 67.

27. In the application of the Acts to Northern Ireland references to the Irish Land Commission, where they occur in relation to functions which under or in pursuance of the Government of Ireland Act, 1920, are transferred as respects Northern Ireland to any department of the Government of Northern Ireland,^[1] shall be construed as references to that department, and references to sub-commissions or to commissioners, or assistant commissioners, or other officers of the Irish Land Commission, where they occur in relation to such functions, shall be construed respectively as references to any person or body of persons appointed or assigned by the Government of Northern Ireland for the discharge of corresponding functions in Northern Ireland.^[2]

[¹] The appropriate department is the Ministry of Finance—see Chapter VI above.

[²] See further, S. R. & O. 1922, No. 1204 below in this Chapter and also the later legislation contained in 15 & 16 Geo. 5, c. 34 (U.K.), and 19 & 20 Geo. 5, c. 14 (U.K.).

Pending
proceedings.

28. In any proceeding under the Acts which relates to land in Northern Ireland and is pending before the

Land Commission or a sub-commission on the appointed day, if the hearing has been concluded but an adjudication has not been made before that day, the adjudication may be made on or after that day, and if so made shall have the like validity and effect as if it had been made on the conclusion of the hearing. **1922 No. 183**

PART VIII.

Miscellaneous Enactments.

29. The Tramways (Ireland) Acts, 1860 to 1900, shall, in their application to Northern Ireland, in so far as they relate to matters with respect to which the Parliament of Northern Ireland has power to make laws, have effect subject to the following adaptations: Adaptation of Tramways Acts.

(a) The reference in section fourteen of the Tramways (Ireland) Act, 1860, to the Clerk of the Parliaments shall be construed as a reference to the Speaker of the Senate of Northern Ireland; ^[1] 23 & 24 Vict., c. 152.

(b) In section twenty and paragraph (3) of Part I of Schedule A of the said Act, references to Dublin shall be construed as references to Belfast;

(c) The reference in section forty-six of the said Act to the Inspector-General of Constabulary shall, so far as respects any constabulary force under the control and management of the Government of Northern Ireland, be construed as a reference to the Ministry of Home Affairs for Northern Ireland; ^[2]

[1] The adapted section relates to the deposit of copies of Orders to be confirmed by Parliament.

[2] The adapted section applied certain general Railways Acts to tramways. The appropriate police force would now be the Royal Ulster Constabulary—see 12 & 13 Geo. 5, c. 8 (N.I.).

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[Article 30 had reference to s. 1 of the *Electricity (Supply) Act, 1919* (9 & 10 Geo. 5, c. 100), which section was repealed, as respects Northern Ireland, as from 1st June, 1931. See s. 58 of the *Electricity (Supply) Act (Northern Ireland), 1931* (21 & 22 Geo. 5, c. 9), and *Belfast Gazette*, 19th June, 1931.]

Adaptation
of enact-
ments as to
gas and
water works.
33 & 34
Vict., c. 70.

31.—(1) In the application to Northern Ireland of the Gas and Water Works Facilities Act, 1870—

(a) References to Ireland shall be construed as references to Northern Ireland;

(b) The reference to London in paragraph (1) of Part I of Schedule B shall be construed as a reference to Belfast.

10 & 11
Geo. 5, c. 28.

(2) The Gas Regulation Act, 1920, shall, in its application to Northern Ireland, have effect as if the number of persons to be appointed as gas referees was one instead of three and as if sub-section (2) of section four thereof were omitted therefrom.^[1]

[¹] The remainder of this sub-section related to the gas fund, and is omitted because that fund was abolished by s. 2 (1) of 13 & 14 Geo. 5, c. 24 (N.I.).

Adaptation
of 10 & 11
Geo. 5, c. 21
(charges for
harbours,
docks, and
piers).

32. The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920,^[1] shall, in its application to Northern Ireland, and in so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, be subject to the following adaptations:—

(a) The functions discharged before the appointed day by the Minister of Transport under the said Act shall, as from that day, be discharged by the Ministry of Commerce for Northern Ireland, and references in the said Act to the Minister of Transport shall in its application to Northern Ireland be construed accordingly;

(b) So much of the said Act as provides for the

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reference to, or the consideration by, the rates advisory committee of any matters shall not apply, but the said Ministry of Commerce may appoint an officer or other person to inquire into and report upon any such matters in such manner and after such public notice as the Ministry may direct, and sub-section (3) of section two and sub-section (2) of section three of the said Act shall apply for the purposes of any such inquiry, or the payment of the costs incurred in connection with any application for an order, as if the officer or person appointed by the Ministry were substituted in those sub-sections for the rates advisory committee or a member thereof;

- (c) In sub-section (4) of section one of the said Act, the first day of January, nineteen hundred and twenty-two, shall be substituted for the tenth day of May, nineteen hundred and twenty.

[¹] This Act is temporary in duration, and at present remains in force in Northern Ireland until 31st December, 1933, by virtue of 22 & 23 Geo. 5, c. 13 (N.I.).

33. In the application of section four of the Census of Production Act, 1906, to the United Kingdom exclusive of Northern Ireland a reference to Southern Ireland^[1] shall be substituted for the reference to Ireland, and in the application of the said section to Northern Ireland so much thereof as requires the inclusion in the summary of separate statements shall not apply.

Adaptation
of Census of
Production
Act.
6 Edw. 7,
c. 49.

[¹] This adaptation seems to assume the existence of Southern Ireland as part of the United Kingdom, and to be inoperative to that extent.

34. In the application to Northern Ireland of the Factory and Workshop Act, 1901, the reference in section seventy-three to the Home Office, London, shall

Adaptation
of Factory
and Work-
shop Act.
1 Edw. 7,
c. 22.

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be construed⁶ as a reference to the Office of the Ministry of Labour, for Northern Ireland in Belfast, and the reference in section one hundred and eighteen to an office in London shall be construed as a reference to an office in Belfast.

Adaptation
of Anthrax
Prevention
and
Dangerous
Drugs Acts.
9 & 10
Geo. 5, c. 23.
10 & 11
Geo. 5, c. 46.

35. In the Anthrax Prevention Act, 1919, and in the Dangerous Drugs Act, 1920,^[1] references to His Majesty and Orders in Council shall, in the application of those Acts to Northern Ireland, be construed as references to the Lord Lieutenant and Orders of the Lord Lieutenant in Council respectively.^[2]

[1] This Act has been amended by subsequent legislation as follows:—

United Kingdom Acts—13 & 14 Geo. 5, c. 5; 15 & 16 Geo. 5, c. 74; 22 Geo. 5, c. 15.

Northern Ireland Acts—14 & 15 Geo. 5, c. 4; 15 & 16 Geo. 5, c. 16; 23 Geo. 5, c. 1.

The amending Acts of the U.K. Parliament do not extend to Northern Ireland, except in relation to matters outside the jurisdiction of the N.I. Parliament.

[2] "Lord Lieutenant . . . Council." Now the Governor of Northern Ireland and the Privy Council of Northern Ireland.

Adaptation
of enact-
ments as to
banks and
bank notes.

36. The enactments relating to banks and bank notes in Ireland shall have effect, subject to the following adaptations:—^[1]

(a) In the application of the said enactments to Northern Ireland, references to Ireland shall be construed as references to Northern Ireland, references to the Commissioners of Inland Revenue or their predecessors shall be construed as references to the Ministry of Finance for Northern Ireland, and references to the Stamp Office in Dublin or to any other office of the Commissioners of Inland Revenue or of

their predecessors shall be construed as references to the chief office of the Ministry of Finance for Northern Ireland for the purposes of inland revenue; **1922 No. 183**

- (b) The references to Great Britain in sections five, twelve, and thirteen of the Bankers (Ireland) Act, 1825, and in section thirty-five of the Revenue (No. 2) Act, 1861, and the reference to England in section fifteen of the Bankers (Ireland) Act, 1825, shall be construed as including a reference to Southern Ireland: ^[2]
- 6 Geo. 4,
c. 42.

24 & 25
Vict., c. 91.

Provided that nothing in the foregoing provision shall be taken as affecting any provisions in the said enactments for prohibiting or restricting the issue of bank notes in Ireland or relating to returns as to the bank notes of Irish banks in circulation, or any provisions connected with any of the foregoing matters or relating to matters with respect to which the Parliament of Northern Ireland has not power to make laws. ^[3]

[¹] For later legislation see the Bankers (Northern Ireland) Act, 1928 (18 & 19 Geo. 5, c. 15 (U.K.)).

[²] The Act of 1920 is inoperative save in Northern Ireland.

[³] See, especially, s. 4 (12) of the Act of 1920 in Chapter I above.

37.—(1) For the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919, there shall be a separate Reference Committee for Northern Ireland and a separate panel of official arbitrators for Northern Ireland, and that Act shall have effect accordingly. ^[1]

Reference Committee and panel of arbitrators for acquisition of land.
9 & 10
Geo. 5, c. 57.

(2) The Reference Committee for Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland and the President of the Surveyors' Institution or (if the President of the Surveyors' Institution

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thinks fit) a person, being a member of the Council of that Institution and having special knowledge of valuation of land in Northern Ireland, appointed by him to act in his place.^[2]

[1] By 18 & 19 Geo. 5, c. 14 (N.I.), the arbitrator in certain cases is appointed by the Minister of Finance and not selected from the panel. Under 12 & 13 Geo. 5, c. 9 (N.I.), the arbitrators are not whole-time officers. See also note [1] on article 9 of S. R. & O. 1922, No. 80, above in this Chapter.

[2] The person to be appointed by the President of the Surveyors' Institution need not be a member of the Council of the Institution—see 12 & 13 Geo. 5, c. 9 (N.I.), s. 1 (2).

Adaptation
of enact-
ments as to
evidence of
statutes
and orders.
7 Edw. 7,
c. 16.

38.—(1) The Evidence (Colonial Statutes) Act, 1907, shall have effect as if Northern Ireland were a British possession within the meaning of that Act, and copies of Acts passed by the Parliament of Northern Ireland, and of instruments issued or made under the authority of any such Act, if purporting to be printed by the officer appointed to print the Acts of the Parliament of Northern Ireland, shall (whether passed or issued or made before or after the date of this Order) be received in evidence by all courts in the United Kingdom exclusive of Northern Ireland^[1] accordingly.

(2) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall have effect as if—

(a) any department of the Government of Northern Ireland to which that Act has been applied by an Act of the Parliament of Northern Ireland were included in the first column of the Schedule to the first-mentioned Act;

(b) the Secretary or Assistant Secretary of any such department were named in the second column of that Schedule as a certifying officer; and

31 & 32
Vict., c. 37.
45 & 46
Vict., c. 9.

(c) the expression "Gazette" included the Belfast Gazette.^[2]

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[1] In Northern Ireland courts, evidence of Acts of the Parliament of Northern Ireland would, it is submitted, be governed by the general law applicable to evidence in those courts of Acts of the U.K. Parliament—i.e., judicial notice would be taken of such an Act unless the contrary were expressly provided by the Act; but the King's Printer's copy would not, *ipso facto*, be conclusive evidence of the Act. See "Craies on Statute Law," 3rd ed., pp. 33-37; and s. 9 of 52 & 53 Vict., c. 63. As to evidence of statutory instruments in Northern Ireland courts, see s. 3 of 12 Geo. 5, c. 6 (N.I.), in Chapter VI above.

[2] These Acts provide for proof of departmental orders and regulations.

39. References in any enactment to the King's Printer or to the Government Printer shall, in the application of that enactment to Northern Ireland, be construed as references to the officer appointed to print the Acts of the Parliament of Northern Ireland,^[1] and any documents printed under the superintendence or authority of that officer shall, for the purpose of being admitted in evidence or for any other purpose, be treated as if they had been printed by that officer.

Adaptation
of references
to King's
Printer or
Government
Printer.

[1] The officer so appointed is the Controller of H.M. Stationery Office; he also holds the patent of the King's Printer for Northern Ireland.

40. For the purpose of its application in relation to election petitions in Northern Ireland, sub-section (3) of section ninety-two of the Municipal Corporations Act, 1882, shall have effect as though the words "or which is included in a circuit of Her Majesty's judges on which he practises as a barrister" were omitted therefrom.^[1]

Adaptation
as to
municipal
election
petitions.
45 & 46
Vict., c. 50.

[1] For a further amendment of the same section see s. 7 of the Parliamentary and Local Government Elections Act (Northern Ireland), 1930 (20 & 21 Geo. 5, c. 6).

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PART IX.

Enactments relating to Excepted and Reserved Matters.

Adaptation
of enact-
ments as to
Navy, Army,
and other
excepted
and reserved
matters.
49 Geo. 3,
c. 126.

41. The enactments hereinafter in this article mentioned shall, in their application to Northern Ireland, have effect subject to the following adaptations respectively:—

- (a) In section six of the Sale of Offices Act, 1809, the reference to Dublin shall, so far as relates to offences committed in Northern Ireland, be construed as a reference to Belfast;
- (b) As from the date on which the office of Chief Secretary ceases to exist, the references to the Chief Secretary in section 108A and sub-section (1) of section one hundred and fifteen of the Army Act,^[1] and in sub-section (4) of section fifty-three of the Militia Act, 1882, shall be construed as references to a Secretary of State or an officer appointed by a Secretary of State to act for the purposes of those sections respectively, and references to the Under-Secretary in any of the enactments aforesaid shall not apply;
- (c) In the Jurisdiction in Homicides Act, 1862, references to Ireland shall be construed as references to Northern Ireland, references to the City of Dublin shall be construed as references to the City of Belfast, references to the Richmond Bridewell shall be construed as references to His Majesty's Prison in the City of Belfast, and references to the County of Dublin shall not apply;
- (d) The references to Ireland in section two of the Registration of Births, Deaths, and Marriages (Army) Act, 1879, in paragraph (b) of sub-

44 & 45
Vict., c. 58.

45 & 46
Vict., c. 49.

25 & 26
Vict., c. 65.

42 & 43
Vict., c. 8.

section (1) of section twenty-one of the Regimental Debts Act, 1893, and in sub-section (4) of section one of the Sailors and Soldiers (Gifts for Land Settlement) Act, 1916, shall be construed as references to Northern Ireland.

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56 & 57
Vict., c. 5.
6 & 7 Geo. 5,
c. 60.

- (e) Section one hundred and eighty-five of the Army Act shall not apply and in lieu thereof the following provision shall have effect:—

“The jurisdiction and powers of the Secretary of State under the Army Act with respect to military convicts or military prisoners, or to prisons other than military prisons, shall extend to Northern Ireland, but shall be exercised only subject to the approval of the Ministry of Home Affairs for Northern Ireland”;^[1]

- (f) The reference to the Dublin Gazette in sub-section (6) of section fifty-three of the Militia Act, 1882, shall be construed as a reference to the Belfast Gazette;

- (g) The reference in paragraph (2) of section twenty-six of the Military Lands Act, 1892, to the Commissioners of Public Works in Ireland shall be construed as a reference to the authority for the time being performing the functions formerly performed by the Commissioners of Public Works in Ireland in relation to Royal Parks in Ireland;

55 & 56
Vict., c. 43.

- (h) The reference in paragraph (b) of sub-section (1) of section twenty-one of the Regimental Debts Act, 1893, to the place appointed in Dublin for the deposit of original wills brought into the High Court in Ireland shall be construed as a reference to the place appointed in Belfast for the deposit of original wills brought into the High Court of Justice in Northern Ireland;

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9 & 10
Geo. 5, c. 82.

6 & 7 Geo. 5,
c. 68.

- (i) The reference in sub-section (4) of section one of the Sailors and Soldiers (Gifts for Land Settlement) Act, 1916, to the Department of Agriculture and Technical Instruction for Ireland shall be construed as a reference to a Secretary of State, and section six of the Irish Land (Provision for Sailors and Soldiers) Act, 1919, shall not apply;
- (j) The reference in section sixteen of the Defence of the Realm (Acquisition of Land) Act, 1916, to the Local Government Board for Ireland shall be construed as a reference to the Ministry of Home Affairs for Northern Ireland.

[¹] For subsequent amendments of the Army Act in its application to Northern Ireland, see the following U.K. enactments: 20 Geo. 5, c. 22, s. 6; 21 Geo. 5, c. 14, s. 6 and Sched. 2; 22 Geo. 5, c. 22, s. 9 and Sched. 2, Pt. II.

Prevention
of spread of
disease from
vessels, etc.

41 & 42
Vict., c. 52.

59 & 60
Vict., c. 19.

7 Edw. 7,
c. 32.

42. The power of making regulations conferred on the Local Government Board for Ireland by sections one hundred and forty-eight and one hundred and forty-nine of the Public Health (Ireland) Act, 1878, as extended by the Public Health Act, 1896, and the Public Health (Regulations as to Food) Act, 1907,^[1] shall, so far as the matters to which the regulations relate are matters with respect to which the Parliament of Northern Ireland has no power to make laws, be exercisable as respects Northern Ireland by a Secretary of State after consultation with the appropriate Ministry for Northern Ireland.^[2]

[¹] Under these enactments the regulating power is exercisable in a manner, and as respects matters, outside the jurisdiction of the Northern Ireland Parliament. See also the Public Health Act, 1904 (4 Edw. 7, c. 16), which amends the 1896 Act mentioned in this Article.

[²] Apparently the Ministry of Home Affairs.

43. Where by any Act relating to the supply of electricity or any Order having the force of an Act and relating to such supply, or under any provision in the Telegraph Acts, 1863 to 1921, any powers or duties are conferred or imposed on the Minister of Transport in connection with the property powers or rights of the Postmaster-General, those powers or duties of the Minister of Transport (including any powers relating to the settlement of disputes or differences) shall continue to be exercisable or performed by that Minister, notwithstanding anything in any Order providing for the application of enactments to Northern Ireland. ^[1]

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Powers of arbitration, etc., under Electricity and Telegraph Acts.

[1] As to the powers of the Parliament of Northern Ireland in similar matters, see now s. 2 (5) of 18 & 19 Geo. 5, c. 24 (U.K.), set out in Chapter V above.

44. The expression "other department of His Majesty's Government" in section forty-eight of the Telegraph Act, 1863, and section seventeen of the Telegraph Act, 1868, ^[1] shall include any department of the Government of Northern Ireland, references in the Telegraph Act, 1878, to an Act of Parliament shall be construed as including references to an Act of the Parliament of Northern Ireland, ^[2] and the reference in section ten of the Savings Banks Act, 1887, to the Registrar-General of Births, Deaths, and Marriages for Ireland shall be construed as a reference to the Ministry of Finance for Northern Ireland. ^[3]

Miscellaneous adaptations as to reserved matters.
26 & 27 Vict., c. 112.
31 & 32 Vict., c. 110.
41 & 42 Vict., c. 76.
50 & 51 Vict., c. 40.

[1] These enactments relate to priority of government telegrams.

[2] These references are to Acts of Parliament authorising works. Words in this article referring to Southern Ireland and the Council of Ireland have been omitted.

[3] This enactment empowers regulations to be made as to certificates of birth, etc.

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COMPANIES, SOCIETIES, ETC.

STATUTORY RULES AND ORDERS, 1922,

No. 184, dated 3rd March, 1922.

[Order recites s. 69 (a) and (b) of the Act of 1920.]

PART I.

*General.*Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Companies, Societies, etc.) Order, 1922.

(2) In this Order the expression "appointed day" means the first day of January, nineteen hundred and twenty-two.^[1]

52 & 53
Vict., c. 63.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[1] This Order was first made on 22nd December, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 30th December, 1921, and pp. 41 and 55 in Part I of this work.

General.

2.—(1) As from the appointed day the enactments to which the several Parts of this Order hereinafter contained apply shall have effect subject to the modifications and adaptations set out in those Parts respectively, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.

10 & 11
Geo. 5, c. 67.

(2) Subject to the express modifications and adaptations made by this Order the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the said Act containing

S. R. & O.
1921,
No. 1804.

adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments. **1922 No. 184**

(3) The modifications and adaptations effected by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so adapted or modified and in force immediately before the appointed day in like manner as they apply to the enactment under which it was made or issued; and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.

[¹] For this general Order see p. 403 above in this chapter.

PART II.

Companies, Partnerships, etc.

3. This Part of this Order applies to the enactments relating to companies, partnerships, and other persons registerable by the registrar of companies and the registrar of business names, that is to say, the Companies Acts, 1908 to 1917,^[1] the Limited Partnerships Act, 1907, the Registration of Business Names Act, 1916, and the Newspaper Libel and Registration Act, 1881.

Application of Part II of Order.

7 Edw. 7.
c. 24.
6 & 7 Geo. 5,
c. 58.
44 & 45
Vict., c. 60.

[¹] See now, as respects Great Britain, the Companies Act, 1929 (19 & 20 Geo. 5, c. 23); and, as respects Northern Ireland, the Companies Act (Northern Ireland), 1932 (22 & 23 Geo. 5, c. 7). The former enactments were repealed and consolidated by these Acts.

Registration of certain existing companies, etc., in Northern Ireland.

4. Any company, partnership, or persons registered at the appointed day in Ireland under any of the enactments to which this Part applies shall—

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(a) in the case of a company, if its registered office is situate in Northern Ireland;

(b) in the case of a partnership or person, if the principal place of business is situate in Northern Ireland;

be deemed for the purposes of the said enactments to be registered in Northern Ireland.

Registrar of
companies,
etc., in
Northern
Ireland.

5. The officer appointed by the Government of Northern Ireland to perform in Northern Ireland the functions of the registrar of companies shall, in Northern Ireland, have all the powers of the registrar under the enactments to which this Part applies, and references in those enactments and in any other enactments to the registrar of companies or the registrar of joint-stock companies shall, in their application to Northern Ireland, be construed as references to that officer.^[1]

[¹] See also s. 268 of 22 & 23 Geo. 5, c. 7 (N.I.). The department of the N.I. Government concerned with the enactments to which this Part applies is the Ministry of Commerce; see Chapter VI above.

Formation of
registers for
Northern
Ireland.

6.—(1) For the purpose of forming registers of companies, partnerships, and persons so deemed to be registered in Northern Ireland as aforesaid, the assistant registrar of companies and the registrar of business names for Ireland shall separate from any register kept by them so much thereof as at the appointed day relates to such companies, partnerships, and persons, or, if the register is not capable of such subdivision, shall cause a copy to be made as at the appointed day of so much thereof as relates to them.

(2) The parts so separated, or the copies so made, shall be transmitted by the said assistant registrar and registrar to the officer so appointed as aforesaid, together with any documents deposited or filed with

them relating to such companies, partnerships, and persons as aforesaid, and the part or copy so sent shall, as respects the companies, partnerships, and persons entered therein, become the register in Northern Ireland as at the appointed day of the companies, partnerships, or persons to whom the original register related :

• Provided that this provision shall be without prejudice to the power of the Government of Northern Ireland to cause registers to be compiled in cases where by reason of there being no registers existing at the appointed day in Ireland such parts or copies thereof cannot be so transmitted as aforesaid.^[1]

[1] See also Companies (Reconstitution of Records) Act (N.I.) 1923, 13 & 14 Geo. 5, c. 6.

7. The Companies (Consolidation) Act, 1908,^[1] shall, in addition to the adaptations effected therein by the foregoing provisions of this Part of this Order, be subject to the following adaptations:—

Adaptation
of 8 Edw. 7,
c. 69.

- (a) References to Ireland shall be construed as references to Northern Ireland or Southern Ireland,^[2] or to Northern Ireland and Southern Ireland, as the case may require; and Northern Ireland and Southern Ireland^[2] shall be deemed to be separate parts of the United Kingdom;
- (b) In section one hundred and eighteen the reference to the London Gazette shall, in the application of the Act to Northern Ireland, be construed as a reference to the Belfast Gazette;
- (c) In section one hundred and sixty-seven references to the Bank of England shall, in the application of the Act to Northern Ireland, be construed as references to such Bank as the court may appoint for the purpose;

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- (d) Section one hundred and eighty shall have effect as if after sub-section (2) thereof the following sub-section were inserted :

(2A) Any order made by the court in Southern Ireland for the purpose of or in course of winding up a company shall be enforced in Northern Ireland in the court that would have jurisdiction in respect of that company if registered in Northern Ireland, and in the same manner in all respects as if the order had been made by that court, and any order made by the court in Northern Ireland for the purpose of or in course of winding up a company shall be enforced in Southern Ireland in the court that would have jurisdiction in respect of that company if registered in Southern Ireland, and in the same manner in all respects as if the order had been made by that court.^[2]

9 Edw. 7,
c. 49.
7 & 8 Geo. 5,
c. 28.

- (e) In section two hundred and seventy-four, as extended by section nineteen of the Assurance Companies Act, 1909, and section one of the Companies (Particulars as to Directors) Act, 1917, references to the United Kingdom wherever they occur shall, in the application of the Act to Northern Ireland, be construed as references to Northern Ireland, and in the application of the Act to the rest of the United Kingdom, be construed as references to the United Kingdom exclusive of Northern Ireland, and paragraph (2) (h) of section two hundred and seventy-six shall be construed accordingly :

Provided that the first-mentioned section as so adapted shall not apply to a company registered or constituted in any part of the United Kingdom before the appointed day.

- (f) The power to hold land conferred by section 1622 sixteen shall include power to hold land in any part of the United Kingdom, whether the company was registered before or after the appointed day, and whether the company was registered in Northern Ireland or in some other part of the United Kingdom. **No. 184**

[¹] These adaptations are spent. See now the statutes mentioned in note [¹] on article 3 of this Order above.

[²] The Act of 1920 is inoperative save in Northern Ireland.

8. References to the United Kingdom in sub-section (2) of section two of the Companies (Particulars as to Directors) Act, 1917, wherever they occur shall, in the application of that Act to Northern Ireland, be construed as references to Northern Ireland, and in the application of that Act to the rest of the United Kingdom, shall be construed as references to the United Kingdom exclusive of Northern Ireland.^[1] **Particulars as to Directors.**

[¹] This adaptation is spent. See now the statutes mentioned in note [¹] on article 3 of this Order above.

9. The Limited Partnerships Act, 1907,^[1] in its application to Northern Ireland shall, in addition to the adaptations effected therein by the foregoing provisions of this Part of this Order, be subject to the following adaptations:— **Adaptation of 7 Edw. 7, c. 24.**

- (a) Section eight shall have effect as if for the words "to the registrar at the register office in that part of the United Kingdom in which the principal place of business of the limited partnership is situated or proposed to be situated," there were substituted the words "to the registrar of companies at his office."

- (b) Section fifteen shall have effect as if for that section the following section were substituted:—

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“The registrar of companies shall be the registrar of limited partnerships, and the office for the registration of companies in Belfast shall be the office for the registration of limited partnerships.”

[¹] Provision as to winding up of limited partnerships was made by 8 Edw. 7, c. 69, ss. 267 and 268 (1) (vii), and these enactments were excepted from repeal by 22 & 23 Geo. 5, c. 7 (N.I.).

Adaptation
of Regis-
tration of
Business
Names Act.

10. The Registration of Business Names Act, 1916, shall, in addition to the adaptations effected therein by the foregoing provisions of this Part of this Order, be subject to the following adaptations:—

- (a) References to the United Kingdom in sections one and two shall, in the application of the Act to Northern Ireland, be construed as references to Northern Ireland, and in the application of the Act to the rest of the United Kingdom, be construed as references to the United Kingdom exclusive of Northern Ireland:

Provided that where a firm, individual, or corporation has been registered before the appointed day in any part of the United Kingdom, then—

- (i) if by virtue of this Order the firm, individual, or corporation is deemed to be registered in Northern Ireland, it shall not be necessary to register it in any other part of the United Kingdom; and
- (ii) if not so deemed to be registered in Northern Ireland, it shall not be necessary to register it in Northern Ireland.
- (b) In the application of the Act to Northern Ireland—

- (i) Section three shall have effect as if for the **1922** words "to the registrar at the register office **No. 184** in that part of the United Kingdom in which the principal place of business of the firm or person is situated," there were substituted the words "to the registrar of companies at his office."
- (ii) Section six shall have effect as if the words "in that part of the united Kingdom in which the aforesaid particulars are registered" were omitted therefrom.
- (iii) Section fifteen shall have effect as if the following section were substituted therefor:
 "The registrar of companies shall be the registrar of business names, and the office for the registration of companies in Belfast shall be the office for the registration of business names."

PART III.

Assurance Companies.

11. This Part of this Order applies to the Assurance Companies Act, 1909.^[1] Application of Part III of Order. 9 Edw. 7, c. 49.

[1] For further amendments of the law as to assurance companies, see the following Northern Ireland statutes: 14 & 15 Geo. 5, cc. 20 and 21; 20 & 21 Geo. 5, cc. 19 and 24.

12. References to the United Kingdom in section one of the Act^[1] shall, in the application of the Act to Northern Ireland, be construed as references to Northern Ireland, and in the application of the Act to the rest of the United Kingdom, be construed as references to the United Kingdom exclusive of Northern Ireland: Adaptation of references to United Kingdom.

Provided that where an assurance company has before the appointed day made a deposit in accord-

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ance with the Act in respect of any class of assurance business, then—

- (a) if the company is by virtue of this Order deemed to be registered in Northern Ireland,^[1] or if not being a registered company it has its head office in Northern Ireland, it shall not be necessary for the company to make a deposit in respect of that class of business in any other part of the United Kingdom; and
- (b) if the company is not deemed to be so registered, or if not being a registered company it has its head office in a part of the United Kingdom other than Northern Ireland, it shall not be necessary for the company to make a deposit in respect of that class of business in Northern Ireland.^[3]

[¹] For omitted words see article 2 (1) of S. R. & O. 1924, No. 1428, below in this chapter.

[²] See article 4 of this Order above.

[³] This paragraph of the proviso is explained by article 2 (2) of S. R. & O. 1924, No. 1428, below in this chapter. By s. 1 (2) of 14 & 15 Geo. 5, c. 20 (N.I.), its operation is, in effect, confined to cases where deposits were made in Great Britain.

Adaptation
of the
Act of 1909
in Northern
Ireland.

13.—(1) The Act, in its application to assurance companies registered or having their head office in Northern Ireland, shall be subject to the following adaptations:—

- (a) References to the Board of Trade or the President of the Board of Trade shall be construed as references to the Ministry of Commerce for Northern Ireland.
- (b) Any deposits required to be made under the Act shall be deposited and kept deposited with the Accountant-General of the Supreme Court of Northern Ireland.

(2) Any documents deposited or filed at the appointed day with the Board of Trade under the Act relating to any such company as aforesaid shall be transmitted to the Ministry of Commerce for Northern Ireland. **1922 No. 184**

(3) Where a deposit has been made before the appointed day as respects any such company as aforesaid, the funds and securities representing the deposit shall be transmitted to the Accountant-General of the Supreme Court of Northern Ireland.

PART IV.

Friendly Societies, Trade Unions, etc.

14. This Part of this Order applies to the enactments relating to societies and trade unions and branches thereof (hereinafter referred to as societies), with respect to which the registrar of friendly societies has powers, that is to say, the Friendly Societies Acts, 1896 and 1908, the Industrial and Provident Societies Acts, 1893 to 1913, the Building Societies Acts, 1874 to 1894, the Scientific Societies Act, 1843, and the Trade Union Acts, 1871 to 1917,^[1] and other enactments relating to the registrar of friendly societies: Application of Part IV of Order.

6 & 7 Vict.,
c. 36.

Provided that this Part of this Order does not apply to any enactment relating to any reserved matters or matters with respect to which the Parliament of Northern Ireland has not power to make laws.

[¹] For amendments of the Trade Union Acts see the Trade Disputes and Trade Unions Act (Northern Ireland), 1927 (17 & 18 Geo. 5, c. 20).

15. Any society registered at the appointed day in Ireland under any of the enactments to which this Part of this Order applies whose registered or chief office is situate in Northern Ireland shall be deemed for the purposes of the said enactments to be registered in Northern Ireland, and any society which has Registration and certification of societies in Northern Ireland.

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at the appointed day obtained a certificate in Ireland under the Scientific Societies Act, 1843, shall, if any property belonging to the society either as tenant or owner and occupied by it for the transaction of its business is situate in Northern Ireland, be deemed to have obtained a certificate in Northern Ireland.

Registrar of
Friendly
Societies in
Northern
Ireland.

16.—(1) The officer appointed by the Government of Northern Ireland^[1] to perform in Northern Ireland the functions of registrar of friendly societies shall, in relation to societies registered or applying for registration in Northern Ireland, and in relation to unregistered societies whose chief office or principal place of business is in Northern Ireland, and in relation to societies to which the Scientific Societies Act, 1843, applies who have property in Northern Ireland, have all the powers both of the assistant registrar of friendly societies for Ireland and of the chief registrar and of the central office, except so far as those powers relate to reserved matters or matters with respect to which the Parliament of Northern Ireland has not power to make laws, and may exercise those powers notwithstanding that the society is not a society which does business exclusively in Northern Ireland; and, except as aforesaid, references in those Acts or in any other enactment to the chief registrar, the registrar of friendly societies, the assistant registrar of friendly societies for Ireland, and the central office, shall, in their application to Northern Ireland, be construed as references to the officer so appointed as aforesaid:

Provided that—

- (a) the references to the central office in sub-section (2) of section four of the Friendly Societies Act, 1896,^[2] shall not be so construed, and that sub-section, so far as it imposes duties on the assistant registrar of

friendly societies for Ireland, shall apply to the officer so appointed as aforesaid only to such extent as may be agreed between the Government of the United Kingdom and the Government of Northern Ireland; and

- (b) any enactment requiring the assistant registrar of friendly societies for Ireland to act subject to the control or approval or direction of the chief registrar, or providing an appeal from the decision of such assistant registrar to the chief registrar, shall not apply to Northern Ireland.

(2) The provisions of the Friendly Societies Act, 1896, as to the qualifications to be possessed by the person appointed registrar or assistant registrar shall not apply to the person so appointed as aforesaid.

[¹] The department of the N.I. Government concerned with friendly societies is the Ministry of Commerce; see Chapter VI above.

[²] This sub-section had reference to transactions between the assistant registrar for Ireland and the central office.

17.—(1) For the purpose of forming registers of societies so deemed to be registered in Northern Ireland as aforesaid, the assistant registrar of friendly societies for Ireland shall separate from any registers kept by him so much thereof as at the appointed day relates to such societies, or if the register is not capable of such subdivision, shall cause a copy to be made as at the appointed day of so much thereof as relates to them.

Formation of registers for Northern Ireland.

(2) The parts so separated or copies so made shall be transmitted by the assistant registrar to the officer so appointed as aforesaid, together with any documents deposited or filed with him relating to such societies as aforesaid, and the part or copy so sent shall as

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respects societies entered therein become the register in Northern Ireland as at the appointed day of the societies to whom the original register related:

Provided that this provision shall be without prejudice to the power of the Government of Northern Ireland^[1] to cause registers to be compiled in cases where by reason of there being no registers existing at the appointed day such parts or copies thereof cannot be so transmitted as aforesaid.

[¹] See note [¹] on article 16 of this Order above.

Records
of deposit of
documents.

18. The assistant registrar of friendly societies for Ireland shall furnish to the Ministry of Commerce for Northern Ireland a list of all records made by him of the deposit with him of documents deposited by societies registered in England or Scotland but carrying on business in Ireland, and the documents the deposit of which is so recorded shall be deemed to have been deposited and the deposit thereof recorded in Northern Ireland; but this provision shall not continue in force for more than six months after the appointed day unless in the meantime the society has deposited with the officer appointed as aforesaid^[1] to be recorded by him a copy of the documents in question.

[¹] See note [¹] on article 16 of this Order above.

Societies
carrying on
business
in several
areas of
jurisdiction.
56 & 57
Vict., c. 39.
39 & 40
Vict., c. 22.

19.—(1) Northern Ireland and Southern Ireland shall be deemed to be separate parts of the United Kingdom for the purposes of sections fourteen, seventeen, and eighteen of the Friendly Societies Act, 1896, and of section five of the Industrial and Provident Societies Act, 1893, and to be separate countries for the purposes of section six of the Trade Union Act Amendment Act, 1876.^[1]

(2) It shall be the duty of the assistant registrar of friendly societies for Ireland to inform every society

which at the appointed day is registered in Ireland **1922**
and carries on business in Northern Ireland of the **No. 184**
effect of this article, and no such society shall be
entitled to continue to carry on business in Northern
Ireland after the expiration of six months from the
appointed day unless before such expiration it has
deposited with the officer appointed as aforesaid a copy
of its rules and of any amendments of its rules and
they have been recorded by him.

[¹] See note [¹] on article 14 of this Order above.

20. References in the Friendly Societies Acts, 1896 Adaptation
of refer-
ences to
regulations.
and 1908, to Treasury regulations shall, in the appli-
cation of those Acts to Northern Ireland, be construed
as references to regulations of the Ministry of Commerce
for Northern Ireland.

21. The functions which were before the appointed Adaptation
as to
functions of
Treasury.
day performed by the Treasury under the Industrial
and Provident Societies Acts, 1893 to 1913, shall, as
from that day, in so far as those functions relate to
Irish services^[1] in Northern Ireland, be performed by
the Ministry of Commerce for Northern Ireland, and
references in those Acts to the Treasury shall, in the
application thereof to Northern Ireland, be construed
accordingly.

[¹] As to Irish services, see s. 8 (8) of the Act of 1920
in Chapter I above.

22. Subject to compliance with the provisions of the Status of
societies
in several
areas of
jurisdiction.
Acts relating to the deposit of documents in the case
of a society carrying on business in a part of the United
Kingdom other than that in which it is registered, a
society registered in Northern Ireland shall have the
status of a registered society in the other parts of the
United Kingdom, and a society registered in any part
of the United Kingdom other than Northern Ireland

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shall have the status of a registered society in Northern Ireland; and the Acts, both in their application to the United Kingdom exclusive of Northern Ireland and in their application to Northern Ireland, shall have effect accordingly.^[1]

[¹] As to trade unions, see also 17 & 18 Geo. 5, c. 20 (N.I.), s. 8.

Performance
of reserved
functions
by chief
registrar.

23. Where under any enactment relating to matters with respect to which the Parliament of Northern Ireland has not power to make laws anything is required or authorised to be done by the assistant registrar of friendly societies for Ireland, the duty or power shall in Northern Ireland be performed or exercised by the chief registrar of friendly societies, or a deputy appointed by him.

ADAPTATION OF UNEMPLOYMENT INSURANCE ACTS.

STATUTORY RULES AND ORDERS, 1922,
No. 185, dated 3rd March, 1922.

[Order recites s. 69 (a), (b), and (f) of
the Act of 1920.]

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of Unemployment Insurance Acts) Order, 1922.

(2) In this Order the expression “appointed day” means the first day of January, nineteen hundred and twenty-two,^[1] and the expression “the Acts” means the Unemployment Insurance Acts, 1920 and 1921, and the Unemployed Workers’ Dependants (Temporary Provision) Act, 1921,^[2] and the Unemployment Insurance Act, 1920, the Unemployment Insurance Act, 1921, the Unemployment Insurance (No. 2) Act,

10 & 11
Geo. 5, c. 30.
11 & 12
Geo. 5, cc. 1,
15, and 62.

1921, and the Unemployed Workers' Dependants 1922 (Temporary Provision) Act, 1921,^[2] are respectively **No. 185** referred to as the Act of 1920, Act No. 1 of 1921, Act No. 2 of 1921, and Act No. 3 of 1921.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. 52 & 53
Vict., c. 68.

[¹] This Order was first made on 22nd December, 1921, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 30th December, 1921, and pp. 41 and 55 in Part I of this work.

[²] The Act 11 & 12 Geo. 5, c. 62, was repealed by 12 & 13 Geo. 5, c. 7 (N.I.).

2.—(1) As from the appointed day the Acts shall have effect subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.^[1] General.
10 & 11
Geo. 5, c. 67.

(2) Subject to the express modifications and adaptations made by this Order the General Adaptation of Enactments (Northern Ireland) Order, 1921, and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments. S. R. & O.
1921,
No. 1804.

(3) The modifications and adaptations effected by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so adapted or modified and in force immediately before the appointed day in like manner

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as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation,⁶ or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.

[¹] For subsequent legislation by the Parliament of Northern Ireland, see the various amending enactments of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1932 (collective title given by 23 Geo. 5, c. 3), and the Orders in Council made under 21 & 22 Geo. 5, c. 11.

Reciprocal
agreements
between
Great
Britain and
Northern
Ireland.

3.—(1) The Minister of Labour and the Ministry of Labour for Northern Ireland may, with the consent of the Treasury and the Ministry of Finance for Northern Ireland respectively, enter into agreements [¹] for enabling contributions and benefit paid in either country to be taken into account in the other country for any purpose for which they would have been taken into account had they been paid in that country, and if such an agreement is entered into, then whilst the agreement is in force, and subject to any conditions contained therein, the following provisions shall have effect:—

- (a) For the purpose of determining the right to unemployment benefit in either country and the amount thereof, qualification for benefit acquired by means of contributions paid or treated as paid or work done in the other country, and the amount of unemployment benefit received in the other country, shall be taken into account; and
- (b) For the purpose of determining the right to a repayment under section twenty-five of the Act of 1920 in either country and the amount thereof, the number and amount of contribu-

tions paid or refunded, and the amount of 1922 unemployment benefit received, in the other No. 185 country shall be taken into account:

Provided that any qualification for benefit acquired, and any benefit received, before the appointed day shall, apart from any such agreement, be taken into account in each country for the purposes aforesaid.

(2) For the purposes of this article, Northern Ireland and the United Kingdom exclusive of Northern Ireland shall be deemed to be separate countries.

[1] Agreements (made in the year 1928) under this article are in force between the two countries.

4.—(1) References in the Acts to the unemployment fund and the unemployed workers dependants' fund shall, in the application of the Acts to Northern Ireland, be construed respectively as references to the Northern Irish unemployment fund and the Northern Irish unemployed workers dependants' fund, and any assets and liabilities of the first-mentioned funds existing at the appointed day other than the right to receive contributions and the liability to pay benefit and to make repayments under section twenty-five of the Act of 1920, shall be apportioned between those funds and the corresponding Northern Irish funds in such manner as may be determined by the Joint Exchequer Board; and any assets and liabilities so apportioned to the last-mentioned funds shall become assets and liabilities of those funds.^[1]

Adaptation
of enact-
ments as to
the Unem-
ployment
Fund, etc.

(2) Any contributions payable by or in respect of a person employed in Northern Ireland, including contributions which became due before but which were unpaid at the appointed day, shall be payable to the Northern Irish unemployment fund or the Northern Irish unemployed workers dependants' fund^[2] as the case may require, and shall be recoverable at the

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instance of the Ministry of Labour for Northern Ireland, and that Ministry shall be liable out of those funds to make refunds of contributions paid, and to make allowances in respect of spoiled or unused stamps issued, before the appointed day in all cases where if the contributions had been paid or the stamps issued after the appointed day the refund or allowance would have been payable out of one or other of those funds.

(3) Any contributions paid after the appointed day in respect of masters, seamen, and apprentices to the sea service and sea-fishing service shall, in cases where the ship on which they are employed—

(a) is a ship whose port of registry is a port in Northern Ireland; or

(b) is a ship not registered in the United Kingdom of which the owner, or if there is more than one owner, the managing owner or manager, resides or has his principal place of business in Northern Ireland;

be paid into the Northern Irish unemployment fund or the Northern Irish unemployed workers dependants' fund, and, in other cases into the unemployment fund or the unemployed workers dependants' fund.^[2]

(4) The adaptations effected by this Order or any other Order adapting enactments for the purposes of the Government of Ireland Act, 1920, shall not apply to section forty-one of the Act of 1920^[3] or section four of Act No. 3 of 1921,^[4] and any sums payable under those sections out of moneys provided by Parliament for Navy, Army, and Air Force services shall, instead of being paid into the unemployment fund or the unemployed workers dependants' fund, be apportioned between those funds and the corresponding Northern Irish funds in such manner as may be determined by the Joint Exchequer Board; and the

amounts which under section four of Act No. 3 of 1921^[4] are payable by the Treasury out of moneys provided by Parliament to the unemployed workers dependants' fund shall be apportioned between the Treasury and the Ministry of Finance for Northern Ireland in the same ratio as the sums payable under section forty-one of the Act of 1920, and the amount so apportioned to the Ministry of Finance for Northern Ireland shall be paid by the Ministry out of moneys provided by the Parliament of Northern Ireland to the Northern Irish unemployed workers dependants' fund.

[1] Apportioned by order of the Joint Exchequer Board dated 27th July, 1922.

[2] This fund merged in the Northern Irish unemployment fund by virtue of s. 13 (3) of 12 & 13 Geo. 5, c. 7 (N.I.).

[3] Section forty-one of the Unemployment Insurance Act of 1920 relates to unemployment benefit for discharged seamen, marines, soldiers, and airmen, on their return to civil life.

[4] This Act was repealed by 12 & 13 Geo. 5, c. 7 (N.I.).

5. Any arrangement made by the Minister of Labour with any society or association under section seventeen of the Act of 1920, or section three of Act No. 3 of 1921,^[1] and in force at the appointed day, shall, as from the appointed day, continue in force as if made severally by the Minister of Labour as respects the United Kingdom exclusive of Northern Ireland, and by the Ministry of Labour for Northern Ireland as respects Northern Ireland, and the amount of the liability which by virtue of the arrangement attaches to the Minister and Ministry respectively under the said sections shall be determined according to the amounts which but for the arrangement would have been paid out of the unemployment fund or the unemployed workers dependants' fund and the Northern

Special
arrange-
ments with
approved
societies, etc.

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Irish unemployment fund or the Northern Irish unemployed workers dependants' fund^[1] respectively.

[1] This Act was repealed by 12 & 13 Geo. 5, c. 7 (N.I.), and the fund merged in the Northern Irish unemployment fund by virtue of s. 13 (3) of the same Act.

adaptation
of the
Act of 1920.

6. The Act of 1920, in its application to Northern Ireland, shall have effect subject to the following adaptations:—

- (a) In section twelve for the reference to His Majesty there shall be substituted a reference to the Lord Lieutenant.^[1]
- (b) References to the National Debt Commissioners in sub-sections (3) and (4) of section fourteen shall be construed as references to the Ministry of Finance for Northern Ireland, and the reference to Parliament in the said sub-section (3) shall be construed as a reference to the Parliament of the United Kingdom.
- (c) So much of section thirty-three^[2] and sub-section (2) of section thirty-five as relates to the preparation and issue of unemployment insurance stamps and the making of claims and the payment of unemployment benefit through the Post Office shall not apply, without prejudice, however, to the making of arrangements under section sixty-three of the Government of Ireland Act, 1920,^[3] for the exercise and performance by the Postmaster-General and his officers on behalf of the Ministry of Labour for Northern Ireland of the powers and duties which before the appointed day were exercised and performed by the Postmaster-General and his officers.
- (d) In section forty for the reference to Order in Council there shall be substituted a refer-

ence to an Order of the Lord Lieutenant in Council.^[1]

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[1] Now the Governor of Northern Ireland and the Governor in the Privy Council of Northern Ireland.

[2] This section was repealed by 18 & 19 Geo. 5, c. 3 (N.I.), and further provision was made by s. 16 of that Act.

[3] For s. 63 of the Act of 1920, and notes thereon, see Chapter I above.

[Article 7 referred to s. 9 of 11 & 12 Geo. 5, c. 1, the relevant part of which was repealed by 14 & 15 Geo. 5, c. 25 (N.I.).]

8. The sum of twenty million pounds mentioned in section five of Act No. 1 of 1921, as amended by section four of Act No. 2 of 1921 (relating to the limitation of advances for the purpose of discharging the liabilities of the unemployment fund), shall be apportioned between Northern Ireland and the rest of the United Kingdom in such manner as the Joint Exchequer Board may determine, and that section as so amended shall have effect as if for the words "twenty million pounds" there were substituted in those sections in their application respectively to Northern Ireland and the rest of the United Kingdom the sums respectively apportioned to Northern Ireland and to the rest of the United Kingdom, and for the purpose of calculating the said limit in the application of the said sections to Northern Ireland, any part of an advance existing at the appointed day which is apportioned to Northern Ireland shall, so long and so far as it remains undischarged, be taken into account.^[1]

Apportionment of limit of indebtedness of the Unemployment Fund as between the G.B. and N.I. Funds.

[1] £500,000 was apportioned to Northern Ireland, and the remainder to "the rest of the United Kingdom," by order of the Joint Exchequer Board dated 27th July, 1922.

For further legislation, see especially 16 & 17 Geo. 5, c. 1 (N.I.); 19 Geo. 5, c. 1 (N.I.); and the Orders in Council under 21 & 22 Geo. 5, c. 11 (N.I.).

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ADJUSTMENT OF PAYMENTS.

STATUTORY RULES AND ORDERS, 1922,
No. 289, dated 15th March, 1922.

[Order recites ss. 32 (3) and 69 of the
Act of 1920.]

Citation
and inter-
pretation.
52 & 53
Vict., c. 63.

1.—(1) This Order may be cited as the Government of Ireland (Adjustment of Payments) Order, 1922.

(2) The Interpretation Act, 1889, applies for the purposes of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

Determin-
ation
of questions
as to
abatement
of charges
upon
U.K. funds.

2. The Joint Exchequer Board shall, at the request of the Treasury, determine any question that may arise—

(a) as to the extent to which any charge on the Consolidated Fund of the United Kingdom for Irish services,^[1] including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom, so far as made for those services, ought to abate;

(b) as to the extent to which any payment to be made directly or indirectly out of the Local Taxation (Ireland) Account for Irish services ought to be reduced

by reason of the coming into operation of the financial provisions of the Act as respects Northern Ireland and the transfer of Irish services to the Government of Northern Ireland; and in making such determination the Board shall endeavour to secure that the charge, grant, contribution, or payment shall, pending the coming into operation of the financial provisions of

the Act as respects Southern Ireland and the transfer of Irish services to the Government of Southern Ireland, continue at a rate or amount sufficient to enable the like payments to be made thereout for purposes in Southern Ireland as would have been made if the Act had not passed.^[2]

[¹] For definition of "Irish services" see s. 8 (8) of the Act of 1920 in Chapter I above.

[²] This Order is now spent. See also S.R. & O. 1922, No. 82, at p. 453 above.

ADAPTATION OF EDUCATIONAL ENACTMENTS, Etc.

STATUTORY RULES AND ORDERS, 1922,
No. 352, dated 1st April, 1922,

[Order recites s. 69 (a) and (f) of the
Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Educational Enactments, etc.) Order, 1922. Citation and interpretation.

(2) In this Order the expression "appointed day" means the first day of February, nineteen hundred and twenty-two,^[1] and the expression "the Ministry" means the Ministry of Education for Northern Ireland.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. 52 & 53
Vict., c. 63.

[¹] This Order was first made on 31st January, 1922, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 10th February, 1922, and pp. 41 and 55 in Part I of this work.

2.—(1) As from the appointed day the enactments hereinafter mentioned shall have effect subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent General.

10 & 11
Geo. 5, c. 67.

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Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern-Ireland to repeal or alteration by Acts of that Parliament.^[1]

S. R. & O.
1921,
No. 1804.

(2) Subject to the express modifications and adaptations made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[2] and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments.

(3) The modifications and adaptations made by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so modified or adapted and in force immediately before the appointed day, in like manner as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.

[¹] For subsequent legislation by the Parliament of Northern Ireland see 13 & 14 Geo. 5, c. 21; 15 Geo. 5, c. 1; 15 & 16 Geo. 5, c. 27; 16 & 17 Geo. 5, c. 16; 18 & 19 Geo. 5, cc. 7, 14; 20 & 21 Geo. 5, c. 14; 21 & 22 Geo. 5, c. 13.

[²] For this Order see p. 403 above.

Teachers
Pension
Fund.
42 & 43
Vict., c. 74.

3. The National School Teachers (Ireland) Act, 1879, in its application to Northern Ireland shall be subject to the following adaptations:—^[1]

- (a) A reference to a fund to be called the Pension Fund (Northern Ireland) shall be substituted for any reference to the Pension Fund, and there shall be transferred to the first-mentioned

fund so much of the last-mentioned fund as **1922** may be apportioned to the Government of **No. 352** Northern Ireland as the share of Northern Ireland therein.

- (b) In lieu of the payments directed to be made by section three of the said Act there shall be paid to the Pension Fund (Northern Ireland) such moneys as may be directed by the Parliament of Northern Ireland.
- (c) A reference to the Ministry of Finance for Northern Ireland shall be substituted for any reference to the Commissioners for the Reduction of the National Debt, and the said Ministry of Finance may invest the Pension Fund (Northern Ireland) in any securities in which trustees are by law authorised to invest trust funds.
- (d) Section three, section five (except so much thereof as relates to accounts and balance sheets), and sections seven and eight of the said Act shall cease to have effect.

[¹] This article was repealed, subject to a proviso, by 16 & 17 Geo. 5, c. 16 (N.I.), which amalgamated the Pension Fund (Northern Ireland) with a "Teachers' Superannuation Fund" set up by that Act.

4.—(1) Any orders, schemes, rules, regulations, or instruments made or issued by the Commissioners of National Education in Ireland in the exercise of powers conferred upon them otherwise than by enactment, and in force immediately before the appointed day, shall, so far as they relate to Irish services^[1] in Northern Ireland, continue in force in Northern Ireland in like manner and subject to the like powers of revocation and alteration as if they had been made or issued by the Ministry, and the adaptations and modifications

Adaptation of orders, etc., made under the authority of the Crown.

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made by this Order shall so far as applicable apply to any such order, scheme, rule, regulation, or instrument, in like manner as if it had been made or issued under an enactment.

(2) In any deed, contract, or other document relating to a National School^[2] in Northern Ireland, references to the Commissioners of National Education in Ireland shall, unless the context otherwise requires, be construed as references to the Ministry.

[¹] For definition of "Irish services" see s. 8 (8) of the Act of 1920 in Chapter I above.

[²] Now "Public Elementary School" by virtue of S. R. & O. (N.I.), 1924, No. 28.

[*Article 5 referred to various enactments as to "Intermediate Education," which were repealed by 13 & 14 Geo. 5, c. 21 (N.I.).*]

Exercise
of power to
alter
endowment
schemes
under
48 & 49
Vict., c. 78.

6. Where any scheme framed under the Educational Endowments (Ireland) Act, 1885, contains, in pursuance of section eighteen of that Act, provisions for the alteration of the scheme from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, the scheme may, in so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, be altered by the Ministry of Finance for Northern Ireland after consultation with the Ministry.

[*Article 7 made adaptations in various enactments of 62 & 63 Vict., c. 50, as to technical instruction, and so much of that Act as related to technical instruction was repealed by 13 & 14 Geo. 5, c. 21 (N.I.).*]

Adaptation
of 8 Edw. 7,
c. 38.

8. The Irish Universities Act, 1908, in its application to Northern Ireland, shall have effect subject to the following adaptations:—

- (a) the annual sum of ten thousand pounds which, in pursuance of sub-section (1) of section seven,

is payable to the Queen's University of Belfast shall be payable out of such moneys as may be provided for the purpose by the Parliament of Northern Ireland instead of out of the property mentioned in section one of the Royal University of Ireland Act, 1881; **1922 No. 444** ^{44 & 45} Vict., c. 52.

- (b) for the payment directed to be made pursuant to sub-section (2) of section seven to the Queen's University of Belfast there shall be substituted the payment directed to be made by sub-section (3) of section sixty-four of the Government of Ireland Act, 1920.^[1]

[¹] For subsequent legislation of the Parliament of Northern Ireland, see note [²] on s. 64 of the Act of 1920 in Chapter I above.

ADAPTATION OF HEALTH INSURANCE ACTS.

STATUTORY RULES AND ORDERS, 1922,
No. 444, dated 1st April, 1922.

[Order recites s. 69 (a), (b), (f), and (j)
of the Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Adaptation of Health Insurance Acts) Order, 1922. Citation
and inter-
pretation.

(2) In this Order—

The expression "appointed day" means the first day of March, nineteen hundred and twenty-two; ^[1]

The expression "the Acts" means the National Health Insurance Acts, 1911 to 1921;

The expression "the Labour Ministry" means the Ministry of Labour for Northern Ireland, and the expression "the Minister of Labour" means the Minister of Labour for Northern Ireland;

1922**No. 444**1 & 2 Geo. 5,
c. 55.3 & 4 Geo. 5,
c. 37.7 & 8 Geo. 5,
c. 62.52 & 53
Vict., c. 63.

The expression "the Finance Ministry" means the Ministry of Finance for Northern Ireland;

The National Insurance Act, 1911, the National Insurance Act, 1913, and the National Health Insurance Act, 1918, are respectively referred to as the Act of 1911, the Act of 1913, and the Act of 1918.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[1] This Order was first made on 31st January, 1922, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 10th February, 1922.

General.

10 & 11
Geo. 5, c. 67.

2.—(1) As from the appointed day the Acts shall have effect subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.

S. R. & O.
1921,
No. 1804.

(2) Subject to the express modifications and adaptations made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921, and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments-adapted by this Order, apply thereto in like manner as to other enactments.

(3) The modifications and adaptations made by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the enactments so modified or adapted and in force immediately before the appointed day, in like manner

as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation, or instrument shall continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified and adapted.^[1]

[¹] Articles 3 to 20 (inclusive) of this Order are omitted as relating either to adaptations of law, or to transitional arrangements finally completed by 1st March, 1927. The adaptations are spent, by reason of the passing of the National Health Insurance Act, 1924 (14 & 15 Geo. 5, c. 38), which consolidated the enactments relating to National Health Insurance in their application to Northern Ireland as well as Great Britain. See, especially, Part VIII (ss. 117–129) of that Act. The transitional provisions of the Order related, in particular, to the following matters:—

Establishment of separate Health Insurance Fund for Northern Ireland;

Transfer of assets and investments to trustees for subsequent apportionment by the Joint Exchequer Board;

Continuance of the Central Fund.

For similar transitional provisions as regards approved societies, see S. R. & O. 1923, No. 106, noted at p. 524 below.

MODIFICATION OF OLD AGE PENSIONS ACTS.

STATUTORY RULES AND ORDERS, 1922,

No. 467, dated 21st April, 1922.

[Order recites s. 69 (a) and (e) of the
Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Modification of Old Age Pensions Acts) Order, 1922. Citation
and inter-
pretation.

(2) In this Order—

The expression “appointed day” means the first

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No. 467

8 Edw. 7,
c. 40.

1 & 2 Geo. 5,
c. 16.

9 & 10 Geo. 5,
c. 102.

10 & 11
Geo. 5, c. 49.

52 & 53
Vict., c. 63.

day of December, nineteen hundred and twenty-one; ^[1]

The expression "the Acts" means the Old Age Pensions Acts, 1908 to 1919, and section one of the Blind Persons Act, 1920;

The expression "pension" means an old age pension under the Acts, and the expression "pensioner" shall be construed accordingly.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[¹] This Order was first made on 3rd March, 1922, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 10th March, 1922.

General.

10 & 11
Geo. 5, c. 67.

2.—(1) The Acts shall, as from the appointed day, be deemed to have had effect subject to the modifications set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament. ^[2]

(2) Subject to the express provisions of this Order any Orders made under the Government of Ireland Act, 1920, containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments. ^[2]

(3) The modifications made by this Order shall apply to any regulation or instrument made or issued under any of the enactments so modified and in force immediately before the appointed day, in like manner as they apply to the enactment under which it was made or issued, and any such regulation or instrument shall

continue in force in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so modified. **1922 No. 467**

[1] For subsequent legislation by the Parliament of Northern Ireland as to non-contributory old age pensions, see 15 & 16 Geo. 5, c. 20; and 17 & 18 Geo. 5, c. 22. For legislation as to contributory old age pensions, see 15 & 16 Geo. 5, c. 23; 20 Geo. 5, c. 17; 21 & 22 Geo. 5, c. 17; and 22 & 23 Geo. 5, c. 12. Also 15 & 16 Geo. 5, c. 70 (U.K.), ss. 32, 33; and 22 & 23 Geo. 5, c. 52 (U.K.).

[2] See, especially, S. R. & O. 1921, No. 1804, above in this Chapter.

3.—(1) Subject as hereinafter provided, no sum shall be payable on account of a pension granted under the Acts as applying to Northern Ireland (hereinafter referred to as “a Northern Ireland pension”) in respect of any period during which the pensioner is resident in a part of the United Kingdom outside Northern Ireland, and no sum shall be payable on account of an old age pension granted under the Acts as applying to the rest of the United Kingdom (hereinafter referred to as “a United Kingdom pension”) in respect of any period during which the pensioner is resident in Northern Ireland: **Provisions as to payments on account of N.I. and U.K. pensions.**

Provided that where a person in receipt of a Northern Ireland pension becomes resident in some other part of the United Kingdom or where a person in receipt of a United Kingdom pension becomes resident in Northern Ireland, the pension shall, notwithstanding that he is so resident but subject always to the provisions of the Acts, continue to be payable for a period of twelve weeks from the Friday next following the date on which the pensioner ceased to be resident in the part of the United Kingdom in which the pension was granted, or, if that date was a Friday, from that date,

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No. 467

but no payment shall be made on account of the pension until a period of five weeks has elapsed from the date aforesaid.

(2) Where under the provisions of this article a pension granted in one part of the United Kingdom is payable while the pensioner is resident in the other part of the United Kingdom, the liability for the pension shall rest with the Government of that part of the United Kingdom in which the pension was granted, but all payments on account thereof shall be made by the Government of the part of the United Kingdom where the pensioner is resident as agents for and on behalf of the Government so liable as aforesaid.

Provision
against
double
pensions.

4. If a person to whom a pension has been granted under the Acts as applying to one part of the United Kingdom is granted a pension under the Acts as applying to the other part of the United Kingdom, he shall, as from the date on which the last-mentioned pension commences to accrue, be disqualified for continuing to receive the first-mentioned pension.

Continuance
of pensions
existing
at the
appointed
day.

5. Nothing in this Order shall affect the right of any person who was in receipt of a pension at the appointed day so long as he continues to be entitled thereto, but the pension shall continue payable to him whether he resides in Northern Ireland or in any other part of the United Kingdom, and the liability for the pension shall, in respect of any period during which he is resident in Northern Ireland, rest with the Government of Northern Ireland, and shall, in respect of any period during which he is resident in any other part of the United Kingdom, rest with the Government of the United Kingdom.^[1]

[1] The authority for this article is s. 69 (e) of the Act of 1920, set out in Chapter I above.

6. Notwithstanding anything in the Government of 1922
Ireland Act, 1920, or in this or any other Order made No. 487
under section sixty-nine of that Act, the expression
"the United Kingdom" in the Acts, both in their
application to Northern Ireland and in their appli-
cation to the rest of the United Kingdom, shall
mean Northern Ireland and the rest of the United
Kingdom.

Meaning of
expression
"United
Kingdom"
in N.I. and
U.K. Acts.

ADAPTATION OF TAXING ACTS (No. 2).

STATUTORY RULES AND ORDERS, 1922,
No. 487, dated 5th May, 1922.

[Order recites s. 69 of the Act of 1920,
and S. R. & O. 1922, No. 80.]

1.—(1) This Order may be cited as the Govern-
ment of Ireland (Adaptation of the Taxing Acts)
(No. 2) Order, 1922.

Citation
and inter-
pretation.

(2) The Interpretation Act, 1889, applies to the
interpretation of this Order in like manner as it applies
to the interpretation of an Act of Parliament.

52 & 53
Vict., c. 63.

2. The Government of Ireland (Adaptation of Taxing
Acts) Order, 1922,^[1] shall have effect as though the
following article were inserted therein after article 14
thereof:—

Variation of
S. R. & O.
1922, No. 80.

"14A. The power of the Ministry of Finance for
Northern Ireland to make regulations under sec-
tion thirty-four of the Finance Act, 1917, as that
section applies to Northern Ireland, shall be exer-
cisable by the Ministry subject to the approval of
the Treasury."

7 & 8 Geo. 5,
c. 31.

[¹] For this Order see p. 429 above.

1922

No. 718

COST OF SERVICES PENDING TRANSFER.

STATUTORY RULES AND ORDERS, 1922,
No. 718, dated 20th June, 1922.

[Order recites s. 69 (g) of the Act of 1920.]

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Govern-
ment of Ireland (Cost of Services pending Transfer)
Order, 1922.

52 & 53
Vict., c. 63.

(2) The Interpretation Act, 1889, applies to the
interpretation of this Order in like manner as it applies
to the interpretation of an Act of Parliament.

Interim cost
of Irish
services.

2. Where the day appointed as respects Northern
Ireland for the transfer of any Irish service^[1] is a day
subsequent to the 22nd day of November, 1921, the
cost of that service as respects Northern Ireland during
the interval between the 22nd day of November, 1921,
and the appointed day shall be determined by the Joint
Exchequer Board, and the amount so determined shall
be deducted from the sum payable to the Exchequer
of Northern Ireland in respect of the Irish^[2] residuary
share of reserved taxes :

Provided that in the case of the Irish services for
the transfer of which as respects Northern Ireland the
appointed day is to be fixed pursuant to the Provisional
Government (Council of Ireland) Order, 1922, the cost
of the services as respects Northern Ireland during any
period or periods within the interval may be so deter-
mined and the amount thereof so deducted from time
to time.^[3]

[¹] For definition of "Irish services" see s. 8 (8) of the
Act of 1920, set out in Chapter I above.

[²] As to the Northern Ireland residuary share, see
s. 22 of the Act of 1920 and note [²] thereon, in Chapter I
above.

[3] As to the Council of Ireland services see Chapter IV 1922 above, and also pp. 29 and 59-61 in Part I of this work. **No. 1204**

3. This Order shall be deemed to have had effect as from the 22nd day of November, 1921, and may be revoked or amended by any subsequent Order in Council under the Government of Ireland Act, 1920. Commence-
ment
and effect of
Order.

ADAPTATIONS OF ENACTMENTS (No. 4).

STATUTORY RULES AND ORDERS, 1922,
No. 1204, dated 13th October, 1922.

[Order recites s. 69 (a) and (b) of the
Act of 1920.]

1.—(1) This Order may be cited as the Govern- Citation
and inter-
pretation.
ment of Ireland (Adaptation of Enactments) (No. 4)
Order, 1922.

(2) The Interpretation Act, 1889, applies to the 52 & 53
Vict., c. 63.
interpretation of this Order in like manner as it applies
to the interpretation of an Act of Parliament.

2. This Order shall be read as supplemental to the Effect of
Order.
S. R. & O.
1922,
No. 183.
Government of Ireland (Adaptation of Enactments)
(No. 3) Order, 1922, and the modifications and adap-
tations set out in this Order shall have effect as from
the date of this Order save where inconsistent with
the Government of Ireland Act, 1920, or the provisions
of any subsequent Order in Council under that Act,
and subject, as respects matters within the powers of
the Parliament of Northern Ireland, to repeal or alter-
ation by Acts of that Parliament. 10 & 11
Geo. 5, c. 67.

3.—(1) The functions of a judicial commissioner with Discharge of
certain
functions by
nominated
judge.
respect to appeals and re-hearings under the Land Law
(Ireland) Acts shall in Northern Ireland be discharged
by such judge of the Supreme Court of Judicature of
Northern Ireland as may be nominated in that behalf

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No. 1204

by the Lord Chief Justice of Northern Ireland, and that judge shall, for the purposes of such appeals and re-hearings, have all the powers, jurisdiction, and authority under the said Acts of the judicial commissioner appointed under the Land Law (Ireland) Act, 1881, and also the powers in relation to rules and orders which, by Part III of the Irish Land Act, 1903, are conferred on the judicial commissioners.

(2) In the application of the Land Law (Ireland) Acts to Northern Ireland, references to a judicial commissioner where they occur in connection with such appeals or re-hearings shall be construed as references to a judge so nominated, and article twenty-seven of the Government of Ireland (Adaptation of Enactments) (No. 3) Order, 1922, shall have effect subject to this provision.^[1]

[1] This Order is in part superseded by s. 23 (1) of the Northern Ireland Land Act, 1925 (15 & 16 Geo. 5, c. 34 (U.K.)), which abolished the power to fix judicial rents. For the earlier Order in Council varied by this Order, see p. 458 above.

ELECTION LAWS ADAPTATION.

STATUTORY RULES AND ORDERS, 1922,
No. 1352, dated 6th December, 1922.

[Order recites s. 69 (a) of the Act of 1920.]

1.—(1) This Order may be cited as the Government of Ireland (Election Laws Adaptation) (Northern Ireland) Order, 1922.

(2) In this Order the expression "appointed day" means the day appointed, as respects Northern Ireland, for the purposes of the provisions of the Government of Ireland Act, 1920, relating to the representation of Ireland in the House of Commons of the United Kingdom; ^[1] the expression "House of Commons"

44 & 45
Vict., c. 49.

3 Edw. 7,
c. 37.

Citation
and inter-
pretation.

means that House of Commons; and the expression **1922**
 "laws" includes orders, rules, and regulations. **No. 1352**

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. **52 & 53
Vict., c. 63.**

[1] The appointed day was 26th October, 1922; see note [1] on s. 19 of the Act of 1920 in Chapter I above. This Order was first made on 25th October, 1922, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 27th Oct., 1922.

2.—(1) From and after the appointed day the election laws (other than those relating to the registration of electors or to the creation of polling districts),^[1] in their application to electors and elections of members to serve in the House of Commons for constituencies in Northern Ireland, shall have effect subject to the modifications and adaptations set out in this Order, save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent Order in Council under that Act, and subject as respect matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament. **General.**

(2) Subject to the express adaptations and modifications made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[2] and any other Order made under the said Act containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments. **S. R. & O.
1921,
No. 1804.**

[1] For adaptation of the laws relating to the matters excluded from this article, see article 3 of S. R. & O. 1924, No. 927, below in this chapter.

[2] For this Order see p. 403 above.

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No. 1352

Adaptation
of laws as
to return of
members
to Commons
House of
the United
Kingdom.

3.—(1) In the application of the election laws to elections of members to serve in the House of Commons for constituencies in Northern Ireland—

- (a) references to constituencies shall be construed as references to constituencies named in Part II of the Fifth Schedule to the Government of Ireland Act, 1920;
- (b) references to parliamentary counties shall be construed as references to county constituencies named in Part II of the said Schedule, whether consisting of one or more counties or of a county and a borough; and references to divisions of a parliamentary county shall not apply;
- (c) references to parliamentary boroughs shall be construed as referring to the borough of Belfast; and references to divisions of a borough shall be construed as referring to the constituencies in the borough of Belfast which are named in Part II of the said Schedule;
- (d) references to the Dublin Gazette shall be construed as references to the Belfast Gazette.

(2) For the purposes of an election of members to serve in the House of Commons for any county constituency named in Part II of the Fifth Schedule to the Government of Ireland Act, 1920—

- (a) if the constituency consists of a single county, the under sheriff of the county shall be the returning officer;
- (b) if the constituency consists of two counties or of a county and a borough, such one of the under sheriffs of the said counties or of the said county and borough as may be nominated by the Lord Lieutenant^[1] shall be the returning officer, but either of the other under sheriffs

shall, if he so desires, be appointed by the **1922**
returning officer to act in his behalf as assistant **No. 1352**
returning officer for the purpose of the execu-
tion of any powers and duties in the part of
the constituency within the jurisdiction of such
under sheriff, other than powers and duties
which require to be executed by the returning
officer in person, and any question as to the
respective rights and obligations of any such
returning officer or under sheriff under this
provision shall be determined by the Lord
Lieutenant,^[1] whose determination shall be
final; and

- (c) in the case of any constituency to which either
of the foregoing paragraphs applies, the place
of election shall be such place as may be fixed
by the returning officer with the approval of
the Lord Lieutenant.^[1]

(3) Where an election is held for any constituency
before the coming into force of the register the prepara-
tion of which is commenced next after the appointed
day,^[2] the registers for the several areas comprised in
the constituency which were at the time of the passing
of the Government of Ireland Act, 1920, separate consti-
tuencies (hereinafter referred to as old constituencies)
shall together form the register for the constituency,
and a separate letter or symbol shall be assigned by
the returning officer to each of the old constituencies
and shall, in the case of each elector or voter on the
register for the old constituency, be deemed to form
part of the number of the elector or voter which is
required by section two of and rule 24 in Part I of
the First Schedule to the Ballot Act, 1872, to be marked
on the counterfoil of the ballot paper, and that section
and that rule, as amended by or in pursuance of any
subsequent enactments, shall have effect accordingly.

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[¹] "Lord Lieutenant." Now the Governor of Northern Ireland.

[²] For the appointed day see note on article 1 above. This provision is now spent.

Adaptation
as to return
of members
to Commons
House of
Northern
Ireland.

4. Sub-section (3) of the last preceding article shall apply as respects elections of members to serve in the House of Commons of Northern Ireland in like manner as it applies as respects elections of members to serve in the House of Commons.^[1]

[¹] See note [²] on article 3 above.

HEALTH INSURANCE (INTERNATIONAL ARRANGEMENTS).

STATUTORY RULES AND ORDERS, 1923,
No. 106, dated 29th January, 1923.^[1]

[¹] The text of this Order will be found in S. R. & O. 1923, at pp. 649-658. It is omitted for the same reasons as are set out, in relation to parts of S. R. & O. 1922, No. 444, in note [¹] on p. 513 above. The Order of 1923 made provision for transitional arrangements as regards British and Irish Free State approved societies, and for the adaptation of enactments. It also gave power to the National Health Insurance Joint Committee and the Irish Free State Commissioners to enter into mutual arrangements based upon reciprocity of law.

BANK OF IRELAND (BELFAST REGISTER).

STATUTORY RULES AND ORDERS, 1923,
No. 227, dated 12th February, 1923.

[Order recites s. 6 of 13 Geo. 5, sess. 2, c. 2.)

Provisions
as to Belfast
office of the
Bank of
Ireland.

1.—(1) The Bank of Ireland shall keep at their principal office in Belfast as well as in the office of their accountant-general at Dublin books in which may be entered the proprietors of stock, bonds, and

annuities (hereinafter referred to as Government stock) 1923
 transferable in the books of the Bank of Ireland under No. 227
 the National Debt Act, 1870, as amended by any subsequent enactment, the Government Annuities Acts, 1829 to 1888, or the Indian Stock Transfer Act, 1862, or transferable by deed under section seventeen of the Finance Act, 1911, or section six of the Government of India (Amendment) Act, 1916; and the business of the Bank of Ireland in connection with the management of Government stock inscribed or registered in the books at their office in Belfast, including the payment of coupons, shall be transacted at that office, and anything which under the Acts regulating such management is required to be done to or by any particular officer of the Bank may, in relation to such stock be done to or by such officers of the Bank at their office at Belfast as the Bank may appoint for the purpose.

33 & 34
 Vict., c. 71.

25 & 26
 Vict., c. 7.

1 & 2 Geo. 5,
 c. 48.

6 & 7 Geo. 5,
 c. 37.

(2) The provisions relating to transfers between the Bank of England and the Bank of Ireland contained in Part VI of the National Debt Act, 1870, and the regulations made under section thirty-seven of the Finance Act, 1917, and in the Indian Stock Transfer Act, 1862, shall apply as respects stock inscribed or registered in the books of the Bank of Ireland at their office at Belfast in like manner as it applies in respect of stock inscribed or registered in the books of the Bank at Dublin.

7 & 8 Geo. 5,
 c. 31.

2.—(1) Where the registered residence of a stockholder of Government stock inscribed or registered in the books of the Bank of Ireland, or, if there is more than one such stockholder, the registered residence of the principal stockholder, is at the commencement of this Order an address in Northern Ireland, the stock shall at the expiration of one month from the commencement of this Order be transferred in the manner

Transfer of
 stock from
 books in
 Dublin
 to books in
 Belfast.

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No. 227

provided by regulations under this Order from the books of the Bank of Ireland kept at the office of their accountant-general in Dublin to the books kept at their office in Belfast, unless—

- (a) the stockholder or, as the case may be, the principal stockholder has in the meantime by reason of transfer or otherwise become a person not having a registered residence in Northern Ireland; or
- (b) the stockholder, or, if there is more than one stockholder, a majority of the stockholders, before the expiration of that month make an application in the prescribed manner that the stock may not be so transferred; or
- (c) the stock has been transferred in the meantime to the books kept at the Bank of England:

Provided that where any stock has been so transferred it shall be re-transferred in accordance with such regulations to the books of the Bank at Dublin if the stockholder, or, if there is more than one stockholder, the majority of the stockholders make an application for the purpose within four months from the date of the commencement of this Order.

(2) If before the expiration of the said month the stockholder, or, if there is more than one stockholder, the majority of the stockholders of any Government stock which at the commencement of this Order is inscribed or registered in the books of the Bank of Ireland, make an application for the purpose in the prescribed form and in the prescribed manner, the stock shall be transferred in accordance with regulations made under this section from the books of the Bank of Ireland kept at the office of their accountant-general in Dublin to the books kept at their principal office in Belfast.

(3) It shall not be obligatory on the Bank of Ireland

to effect such a transfer or re-transfer if the stock is 1923
for the time being restrained by distringas or other No. 227
legal process.

3. The Treasury, or, as respects India Stock, the Regulations of Treasury and Secretary of State for India.
Secretary of State in Council of India, in conjunction with the Bank of England and the Bank of Ireland, may make regulations for the purpose of carrying this Order into effect, and such regulations shall provide for giving by advertisement or otherwise to the persons who at the commencement of this Order are inscribed or registered in the books of the Bank of Ireland as holders of Government stock notice of the effect of this Order and of their rights thereunder, and may contain such other consequential, incidental, and supplemental provisions (including provisions as to stockholders under legal disability) as may appear necessary or appropriate for giving effect to this Order.^[1]

[1] See S. R. & O. 1923, No. 228, p. 95 of annual volume.

4. So much of the Act passed by the Parliament of Abolition of restrictions on dealing in Government Stock.
Ireland in the thirty-ninth year of the reign of King George III, entitled "An Act for the better regulation of stockbrokers," as imposes restrictions on the selling or buying of Government stock or Government securities on commission shall cease to have effect in Northern Ireland.^[1]

[1] 39 Geo. 3, c. 60, Ir. (1799), confined these dealings to licensed Dublin stockbrokers.

5.—(1) For the purpose of this Order—

The expression "stockholders" means the persons entered in the books of the Bank as proprietors of any Government stock, and includes persons who prove that they are entitled to be so entered, and the legal representatives of a sole or last surviving stockholder;

Interpretation.

1923
No. 227

The expression "principal stockholder" means the stockholder to whom dividends on stock are paid; or if on directions from the stockholders dividends are paid to a person not being one of the stockholders, then the stockholder to whom the dividends would have been paid had no such directions been given;

The expression "books" includes registers;

The expression "prescribed" means prescribed by regulations under this Order.

52 & 53
Vict., c. 68.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

Commence-
ment
of Order.

6. This Order shall come into operation on the nineteenth day of February, nineteen hundred and twenty-three.

Citation.

7. This Order may be cited as the Bank of Ireland (Belfast Register) Order, 1923.

WAR PENSIONS APPEAL TRIBUNALS.

STATUTORY RULES AND ORDERS, 1923,
No. 359, dated 12th March, 1923.

[Order recites s. 69 (b) of the Act of 1920.]

Citation.

1. This Order may be cited as the Government of Ireland (Pensions Appeal Tribunals in Northern Ireland) Order, 1923.

Adaptation
of 9 & 10
Geo. 5, c. 53.

2.—(1) The powers^[1] conferred on the Lord Chancellor of Ireland by the Schedule to the War Pensions (Administrative Provisions) Act, 1919, shall, as respects Northern Ireland, be exercised by the Secretary of State, and accordingly, in the application of that Act to Northern Ireland, references in the said Schedule to

the Lord Chancellor of Ireland shall be construed as references to the Secretary of State notwithstanding anything in any Order heretofore made under the Government of Ireland Act, 1920.

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No. 453

10 & 11
Geo. 5, c. 67.

(2) So much of the Supreme Court of Judicature (Northern Ireland) Order, 1921, as relates to the said Schedule is hereby revoked, but without prejudice to the validity of anything already done thereunder.^[2]

S. R. & O.
1921,
No. 1802.

[¹] "powers"; *i.e.*, with respect to the constitution, jurisdiction, and procedure of Pensions Appeal Tribunals.

[²] For this Order see p. 396 above.

IRISH FREE STATE (CONSEQUENTIAL ADAPTATION OF TAXING ACTS).

STATUTORY RULES AND ORDERS, 1923,
No. 453, dated 16th April, 1923.

[Order recites s. 6 of 13 Geo. 5, sess. 2, c. 2.]

1.—(1) This Order may be cited as the Irish Free State (Consequential Adaptation of Taxing Acts) Order, 1923, and shall be deemed to have come into operation as from the commencement of the current financial year.

Citation,
commence-
ment,
and inter-
pretation.

(2) In this Order, unless the context otherwise requires—

The expression "financial year" means as respects income tax (including super-tax) the year commencing on the sixth day of April, and as respects other taxes, the year commencing on the first day of April.

The expression "Government stock," means stock, bonds, and annuities transferable in the books of the Bank of Ireland under the National Debt Act, 1870, as amended by any subsequent enactment, the Government Annuities Acts, 1829 to

—
33 & 34
Vict., c. 71.

1923
No. 453

25 & 26

Vict., c. 7.

1 & 2 Geo. 5,
c. 48.

6 & 7 Geo. 5,
c. 37.

52 & 53
Vict., c. 63.

1888, or the Indian Stock Transfer Act, 1862, or transferable by deed under section seventeen of the Finance Act, 1911, or section six of the Government of India (Amendment) Act, 1916.

The expression "dividends" includes interest, annuities, and shares of annuities.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

Identity of
taxes.

2.—(1) For the purpose of any enactment relating to taxation, the identity of a tax shall not be affected by reason only of the establishment of the Irish Free State or any changes in the area of taxation or other changes consequent thereon.

(2) Any enactment providing in relation to any tax as continued or renewed in a subsequent year for the continuance of any enactments in force with respect to such tax in the previous year shall, notwithstanding anything contained in the proviso to article 2 of the Irish Free State (Consequential Adaptation of Enactments) Order, 1923,^[1] hereinbefore recited, be construed as continuing those enactments as adapted and modified by that Order and by this Order.

S. R. & O.
1923,
No. 405.

[¹] For this Order see p. 209 in Chapter III above.

Interchange
of infor-
mation.

3. If an arrangement is made between the Commissioners of Inland Revenue and the Revenue Commissioners of the Irish Free State for the interchange of information necessary for the purpose of determining the liability of any person to any tax or the title of any person to repayment or allowance of any tax the liability whereof or the assessment or collection whereof is regulated by section two of the Irish Free State Constitution Act, 1922, the obligation as to secrecy imposed by the Income Tax Acts or

13 Geo. 5,
sess. 2, c. 1.

any other Act upon persons employed in relation to Inland Revenue shall not prevent the disclosure of such information to the authorised officer of the Government of the Irish Free State. **1923 No. 453**

4. In the application to Northern Ireland of subsection (1) of section 191 of the Income Tax Act, 1918, for the words "at the head office of the said Commissioners in Dublin" there shall be substituted the words "at such office of the said Commissioners as those Commissioners may direct."

Application of s. 191 (1) of 8 & 9 Geo. 5, c. 40, to Northern Ireland.

5. The management of the National Debt and Government Securities and Annuities (including India stock), so far as it involves the assessment to income tax of dividends and the setting apart and retention of the amount of the tax, shall not be transacted in the Irish Free State, and as a consequence thereof the following provisions shall have effect:—

Adaptations as to Bank of Ireland in connection with National Debt.

- (a) The powers conferred by section sixty-eight of the Income Tax Act, 1918, on the Governor and directors of the Bank of Ireland in relation to dividends payable to that Bank and to dividends intrusted to that Bank for payment shall in relation to dividends payable to that Bank and to dividends on Government stock (other than India stock) inscribed or registered in the books of the Bank of Ireland in Dublin be exercised by the Governor and directors of the Bank of England instead of by the Governor and directors of the Bank of Ireland.
- (b) The money issuable to the Bank of Ireland under section fourteen of the National Debt Act, 1870, or otherwise payable to the said Bank for the purpose of dividends on Government stock (other than India stock), except so far as it represents dividends payable by that

1923
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Bank at its principal office in Belfast, shall be issued and paid to the Bank of England.

- (c) The Bank of England shall set apart and retain, out of moneys so issued and paid to them the amount of the income tax on the dividends payable to the Bank of Ireland and on the dividends on the said Government stock inscribed or registered in the books of the Bank of Ireland in Dublin and shall deal with the amount of the tax so set apart and retained as if it were tax in respect of dividends intrusted to them for payment.
- (d) Such retention shall have the same effect as if the amount of the tax had been retained by the Bank of Ireland.
- (e) The Bank of England shall pay to the Bank of Ireland the residue of the money so issued and paid to them to be applied by the Bank of Ireland to the payment of the dividends.
- (f) In Schedule C to the Income Tax Act, 1918, the expression "United Kingdom," where it first occurs in the General Rules applicable to that Schedule, shall, notwithstanding anything in the Irish Free State (Consequential Adaptation of Enactments) Order, 1923, be construed, in relation to the dividends on the said Government stock registered or inscribed in the books of the Bank of Ireland in Dublin, as including the Irish Free State.

Adaptation
as to stock
inscribed
in Belfast
office.

6. The powers conferred by section sixty-eight of the Income Tax Act, 1918, on the Governor and directors of the Bank of Ireland in relation to dividends intrusted to that Bank for payment shall in relation to dividends on Government stock, inscribed or registered in the books of the Bank of Ireland at their principal office

in Belfast be no longer exercised by the Governor and directors of the Bank of Ireland, but shall be exercised by such of the officers appointed by the Bank of Ireland under the Bank of Ireland (Belfast Register) Order, 1923, for the management of the said stock as the Treasury may nominate.

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No. 612

S. R. & O.
1923,
No. 227.

7. Subject to the provisions of articles 5 and 6 of this Order, section sixty-eight of the Income Tax Act, 1918, shall be construed as containing no reference to the Bank of Ireland.

Adaptation
of s. 68 of
the Income
Tax Act.

8.—(1) In the proviso to sub-section (2) of section fifty-two of the Finance Act, 1920, and in section fifty-seven of the Finance Act, 1921, the expression "United Kingdom" shall, notwithstanding anything in the Irish Free State (Consequential Adaptation of Enactments) Order, 1923, be construed as including the Irish Free State.

Adaptation
of s. 52 of
10 & 11
Geo. 5, c. 18,
and 11 & 12
Geo. 5, c. 32.

[*Sub-section (2) had reference to Corporation Profits Tax; as to which see note on Part VII of S. R. & O. 1922, No. 80, above in this Chapter.*]

9. Nothing in this Order shall affect the construction of any enactment so far as it applies to any tax leviable by the Government of the Irish Free State.

Saving.

RAILWAY AND CANAL COMMISSION.

STATUTORY RULES AND ORDERS, 1923,

No. 612, dated 25th May, 1923.

[Order recites s. 69 (b) of the Act of 1920.]

1. This Order may be cited as the Government of Ireland (Railway and Canal Commission) Order, 1923.

Citation.

2.—(1) The powers conferred on the Lord Chancellor of Ireland by sections 4 and 5 of the Railway and Canal Traffic Act, 1888, shall, so far as they are exercisable

Adaptation
of ss. 4 & 5 of
51 & 52
Vict., c. 25.

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in relation to Northern Ireland, be exercised by the Secretary of State.^[1]

S. R. & O.
1921,
No. 1802.

(2) So much of the Supreme Court of Judicature (Northern Ireland) Order, 1921, as relates to section 4 of the Railway and Canal Traffic Act, 1888, is hereby revoked.^[2]

[¹] See also S. R. & O. 1926, No. 560, below in this Chapter, especially article 4.

[²] The effect of this provision was to revoke a part of the proviso to article 2 (1) of the Order of 1921; see that article above in this Chapter.

RE-SEALING OF PROBATES, ETC.

STATUTORY RULES AND ORDERS, 1923,
No. 613, dated 25th May, 1923.

[Order recites ss. 69 and 28 of the Act of 1920,
and S. R. & O. 1922, No. 81, above.]

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Government of Ireland (Re-sealing of Probates, etc.) Order, 1923.^[1]

(2) In this Order, unless the context otherwise requires—

20 & 21
Vict., c. 79.

The expression “the Act of 1857” means the Probates and Letters of Administration Act (Ireland), 1857, including any enactments, rules, and regulations by which that Act has been extended, amended, or applied.

21 & 22
Vict., c. 56.

The expression “the Act of 1858” means the Confirmation of Executors (Scotland) Act, 1858, including any enactments, rules, and regulations by which that Act has been extended, amended, or applied.

[¹] This Order was first made on 27th March, 1923, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66). See Belfast Gazette, 6th April, 1923.

2. This Order shall apply in the case of persons dying on or after the 1st April, 1923, and save as respects persons dying before that date the Government of Ireland (Re-sealing of Probates, etc.) Order, 1922, shall cease to have effect.^[1]

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Application
of Order.

[1] As to case of persons dying on 22nd November, 1921, or after that date and before 1st April, 1923, see S.R. & O. 1922, No. 81, in this chapter above.

3.—(1) Where in pursuance of the provisions of section ninety-four of the Act of 1857 probate or letters of administration granted by the court in England are deposited for the purpose of being re-sealed under those provisions in Northern Ireland, then in lieu of a certificate showing that estate duty has been paid on the issue of the original grant in respect of the assets situate in Northern Ireland, there shall be delivered to the authority charged with re-sealing, together with the grant to be re-sealed, an affidavit accounting, in like manner as upon an application for an original grant of representation, for the estate duty or duty in the nature of estate duty (if any) payable in Northern Ireland in respect of the personal property of which the deceased was competent to dispose at his death.^[1]

Re-sealing
as between
Northern
Ireland and
England
or Scotland.

(2) Where in pursuance of the provisions of section ninety-five of the Act of 1857 probate or letters of administration granted by the court in Northern Ireland are deposited for the purpose of being re-sealed under those provisions in England, then in lieu of a certificate showing that estate duty has been paid on the issue of the original grant in respect of the assets situate in England, there shall be delivered to the authority charged with re-sealing, together with the grant to be re-sealed, an Inland Revenue affidavit accounting, in like manner as upon an application for an original grant of representation, for the estate

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duty (if any) payable in Great Britain in respect of the personal or moveable property of which the deceased was competent to dispose at his death:

Provided always that if the British estate duty has already been paid on a prior certification of the Northern Irish grant in Scotland under the terms of sub-section (4) of this article, then the Inland Revenue affidavit shall be endorsed to this effect by the Commissioners of Inland Revenue.^[2]

(3) Where in pursuance of section thirteen of the Act of 1858 Scottish confirmation is produced for the purpose of being sealed in Northern Ireland, then before the confirmation is so sealed an affidavit shall be filed accounting, in like manner as upon an application for an original grant of representation, for the estate duty or duty in the nature of estate duty (if any) payable in Northern Ireland in respect of the personal property of which the deceased was competent to dispose at his death.

(4) Where in pursuance of section fourteen of the Act of 1858 a Northern Irish grant of representation is produced for the purpose of being certified in Scotland, then before the grant is so certified an inventory shall be filed accounting, in like manner as if an original application were being made for confirmation, for the estate duty (if any) payable in Great Britain in respect of the moveable or personal property of which the deceased was competent to dispose at his death:

Provided that if the British estate duty has already been paid on a prior re-sealing of the Northern Irish grant in England under the terms of sub-section (2) of this article, then the inventory shall be endorsed to this effect by the Commissioners of Inland Revenue.

(5) Notwithstanding the provisions of section forty-eight of the Finance (No. 2) Act, 1915, grants of representation by any court in Great Britain shall not have

effect with respect to Government stock in Northern Ireland, and grants of representation in Northern Ireland shall not have effect with respect to Government stock in Great Britain,^[3] unless sealed or certified in the country where the stock is situate, in accordance with the provisions of the Acts of 1857 and 1858 as modified by this article.

[¹] See also s. 2 of 22 Geo. 5, c. 11, set out in Chapter V above.

[²] See now s. 169 of 15 & 16 Geo. 5, c. 49 (U.K.); and s. 10 of 18 & 19 Geo. 5, c. 26 (U.K.).

[³] As respects Government stock in England, see now s. 169 of 15 & 16 Geo. 5, c. 49.

REGISTRATION OF DEEDS.

STATUTORY RULES AND ORDERS, 1923,
No. 614, dated 25th May, 1923.

[Order recites s. 69 (*b*) of the Act of 1920, and ss. 1 and 6 of 13 Geo. 5, sess. 2, c. 2.]

1.—(1) This Order may be cited as the Government of Ireland (Registration of Deeds in Northern Ireland) Order, 1923.^[1]

Citation
and inter-
pretation.

(2) In this Order, unless the context otherwise requires—

The expression “Registration of Deeds Acts” means an Act of the Parliament of Ireland of the sixth year of the reign of Queen Anne, chapter two, and every enactment amending that Act or otherwise relating to the registry established under that Act or the registration of instruments or documents therein;^[2]

6 Anne,
c. 2 (Ir.)

The expression “deeds” means deeds, orders, affidavits, and other instruments or documents registrable under the Registration of Deeds Acts;

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The expression "Dublin Registry" means the registry established in Dublin under the Registration of Deeds Acts.

52 & 53
Vict., c. 63.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[1] The adaptations were made provisionally on 27th March, 1923.

[2] Registration of deeds is a reserved service under s. 9 (2) (d) of the Act of 1920, set out in Chapter I above. The Act of Anne (1707) provides for the registration of deeds, conveyances, wills, and devises for, or concerning, and whereby any honours, manors, lands, tenements or hereditaments may be any ways affected.

General.

2.—(1) As from the thirty-first day of March, 1923, the Registration of Deeds Acts shall, in their application to Northern Ireland, have effect subject to the modifications and adaptations set out in this Order save where inconsistent with the Government of Ireland Act, 1920, the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922,^[1] or the provisions of any subsequent Order in Council under any of those Acts and subject as respects matters within the powers of the Parliament of Northern Ireland to repeal or alteration by Acts of that Parliament.

10 & 11
Geo. 5, c. 67.

13 Geo. 5,
sess. 2,
cc. 1 and 2.

S. R. & O.
1921,
No. 1804.

(2) Subject to the express modifications and adaptations made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[2] and any other Order made under the Government of Ireland Act, 1920, the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, containing adaptations of general application shall, if and so far as they are applicable to the Registration of Deeds Acts, apply thereto in like manner as to other enactments.

(3) The modifications and adaptations made by this Order shall apply to any order, scheme, rule, regulation, or instrument made under any of the Registration of Deeds Acts and in force as respects Northern Ireland on the thirty-first day of March, 1923, in like manner as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation, or instrument shall continue in force, as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the Registration of Deeds Acts as adapted and modified by this Order.

[1] For the last-mentioned Act see Chapter III above.

[2] For this Order see p. 403 above.

3. For the purposes of the Registration of Deeds Acts in their application to Northern Ireland, there shall be established in Belfast a Registry of Deeds for Northern Ireland (hereinafter referred to as the Belfast Registry) and any deed registrable under those Acts, if and so far as it affects lands in Northern Ireland, shall, after the thirty-first day of March, 1923, be registrable in the Belfast Registry instead of in the Dublin Registry; and if after that day any such deed is registered in the Dublin Registry, such registration shall not be effective for the purposes of the said Acts so far as respects land in Northern Ireland:

Establishment
of Belfast
Registry.

Provided that this Order and any registration made in the Belfast Registry in pursuance thereof shall not affect the validity as respects land in Northern Ireland of any registration duly made under the said Acts in the Dublin Registry before the first day of April, 1923.

4.—(1) The staff of the Belfast Registry shall consist of a registrar, an assistant registrar, and such other officers or persons as in the opinion of the Treasury are required for the service of the registry.

Staff of
Belfast
Registry.

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(2) Provision may be made by the Secretary of State for the transfer to the Belfast Registry of officers employed in the Registry in Dublin (other than officers transferred to the Government of the Irish Free State), and for the continuance of the service of officers so transferred upon conditions not less favourable as respects remuneration and superannuation than theretofore. Subject as aforesaid the registrar, assistant registrar, and other members of the staff of the Belfast Registry shall be appointed by the Secretary of State with the consent of the Treasury, and their tenure, remuneration, and superannuation rights shall be such as the Secretary of State may with the like consent determine.

(3) Provisions of the Registration Acts requiring recognizances to be entered into and oaths to be taken by the registrar or assistant registrar shall not apply to the registrar or assistant registrar of the Belfast Registry. The powers and duties of the registrar of the Belfast Registry may, in the absence of the registrar and the assistant registrar, be exercised and performed by an officer nominated in that behalf by the Secretary of State.

Adaptation
of references
to Dublin
Registry,
Ireland, etc.

5.—(1) For the purpose of the application of the Registration of Deeds Acts to deeds registrable in the Belfast Registry and to the registration of such deeds and all matters incidental thereto and consequential thereon, so far as is consistent with the foregoing provisions of this Order, and save where the context otherwise requires, references in whatever form expressed—

(a) to the Dublin Registry or the registrar or assistant registrar of that registry or to the registers kept therein, shall be construed as references to the Belfast Registry or the registrar or assistant registrar of that registry or to

- the registers kept therein, as the case may be; **1923**
 (b) to Ireland, shall be construed as references to **No. 615**
 Northern Ireland;
 (c) to the City of Dublin, shall be construed as
 references to the City of Belfast;
 (d) to the "Dublin Gazette," shall be construed as
 references to the "Belfast Gazette."

(2) The powers of the Treasury under section seven of the Land Transfer (Ireland) Act, 1848,^[1] shall include power to make by Order such alterations in form and character of the indexes which are required to be kept for the purposes of the Registration of Deeds Acts and of the manner in which the indexes are to be kept as appear to them to be necessary or proper for the purpose of adapting the system of indexes to the requirements of the new registers to be kept in the Belfast Registry.

11 & 12
 Vict., c. 120.

[1] The adapted section empowers the Treasury to regulate the indexes kept under 2 & 3 Will. 4, c. 87.

LAND PURCHASE (NORTHERN IRELAND).

STATUTORY RULES AND ORDERS, 1923,
 No. 615, dated 25th May, 1923.

[Order recites s. 69 (b) of the Act of 1920; and
 ss. 1, 2, 6, and Schedules 1 & 2 of
 13 Geo. 5, sess. 2, c. 2.]

1.—(1) This Order may be cited as the Land Purchase (Northern Ireland) Order, 1923.^[1]

Citation
 and inter-
 pretation.

(2) In this Order, unless the context otherwise requires—

the expression "Land Purchase Acts" means the Land Purchase Acts as defined in the Irish Land Act, 1909, so far as they relate to matters which are not within the powers of the Parliament and

9 Edw. 7,
 c. 42.

1923
No. 615

Government of Northern Ireland,^[2] and includes any subsequent enactment amending those Acts;^[3] the expression "officers" includes a solicitor, secretary, accountant, examiners, inspectors, and clerks;

the expression "powers" includes rights, jurisdiction, authorities, and immunities;

the expression "duties" includes responsibilities and obligations;

the expression "securities" includes Government securities and any security of any British possession, foreign state, or any body corporate or company or standing in books kept by any body corporate, company, or person, and all stock, funds, and effects.

52 & 53
Vict., c. 63.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[1] The adaptations were made provisionally on 27th March, 1923.

[2] As to these matters, see s. 9 (3) of the Act of 1920 in Chapter I above.

[3] For Acts passed subsequently to this Order see 15 & 16 Geo. 5, c. 34 (U.K.), and 19 & 20 Geo. 5, c. 14 (U.K.).

General.

2.—(1) The Land Purchase Acts in their application to Northern Ireland shall have effect, subject to the modifications and adaptations set out in this Order save where inconsistent with the Government of Ireland Act, 1920, the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, or the provisions of any subsequent Order in Council under any of those Acts, and subject, as respects matters within the powers of the Parliament of Northern Ireland, to repeal or alteration by Acts of that Parliament.

10 & 11
Geo. 5, c. 67.
13 Geo. 5,
sess. 2,
cc. 1 and 2.

(2) Subject to the express adaptations and modifications made by this Order, the General Adaptation of Enactments (Northern Ireland) Order, 1921,^[1] and any other Order made under the Government of Ireland Act, 1920, the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, containing adaptations of general application shall, if and so far as they are applicable to the enactments adapted by this Order, apply thereto in like manner as to other enactments.

1923

No. 615

S. R. & O.
1921,
No. 1804.

(3) The adaptations and modifications made by this Order shall apply to any order, scheme, rule, regulation or instrument made or issued under any of the enactments so adapted or modified and in force as respects Northern Ireland immediately before the twenty-seventh day of March, nineteen hundred and twenty-three, in like manner as they apply to the enactment under which it was made or issued and any such order, scheme, rule, regulation, or instrument shall continue in force as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.

[1] For this Order see p. 403 above.

3.—(1) For the purpose of the administration of the Land Purchase Acts in Northern Ireland there shall be a Commission called the "Land Purchase Commission, Northern Ireland," and all the powers and duties under the Land Purchase Acts of the Irish Land Commission or the court of that Commission shall, so far as respects Northern Ireland and subject to the provisions of this Order, be exercised and performed by the Land Purchase Commission, Northern Ireland, which by that name shall be a body corporate

Constitution
of Land
Purchase
Commission,
Northern
Ireland.

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with power to acquire and hold land and a common seal which shall be officially and judicially noticed,

(2) The Land Purchase Commission, Northern Ireland (hereinafter referred to as the Commission), shall consist of one or more Commissioners appointed by the Secretary of State, and the powers and duties under the Land Purchase Acts of the Judicial Commissioner, the Estates Commissioners, or any other Commissioner or Commissioners of the Irish Land Commission shall, so far as respects Northern Ireland and subject to the provisions of this Order, be exercised and performed by the Commissioner so appointed or, if more than one Commissioner is so appointed, by any Commissioner so appointed; ^[1] provided that—

(a) at least one Commissioner so appointed shall be a person who has practised for not less than ten years at the Bar in Ireland or in some part of Ireland, and the power and duties of the Judicial Commissioner shall not be exercised and performed by a Commissioner who does not possess this qualification; ^[2] and

(b) for the purposes of sub-section (1) of section sixty-three of the Irish Land Act, 1909, ^[3] the powers of the Judicial Commissioner shall be exercised by a judge of the Supreme Court of Judicature of Northern Ireland nominated under the Land Purchase Acts, as they apply to Northern Ireland, to act as Judicial Commissioner or additional Judicial Commissioner.

[¹] Three Commissioners have been appointed.

[²] See also S. R. & O. 1927, Nos. 595 and 1061, below in this chapter; and s. 5 of 22 Geo. 5, c. 11 (U.K.), set out in Chapter V above.

[³] The adapted enactment relates to applications as to the price to be paid for an estate or untenanted land.

4.—(1) For the purposes of the Land Purchase Acts 1923 in their application to Northern Ireland, there shall be a public trustee for Northern Ireland, who by the name of "The Land Purchase Trustee for Northern Ireland" shall be a corporation with perpetual succession and a common seal which shall be officially and judicially noticed, and all powers and duties under the Land Purchase Acts of the Public Trustee appointed under the Irish Land Act, 1903 (except powers and duties under section thirty-nine of the Irish Land Act, 1903),^[1] shall, so far as respects Northern Ireland and subject to the provisions of this Order, be exercised and performed by the Land Purchase Trustee for Northern Ireland.

Land
Purchase
Trustee for
Northern
Ireland.

3 Edw. 7,
c. 37.

(2) The Land Purchase Trustee for Northern Ireland shall be appointed by the Secretary of State.

[1] The excepted section had reference to Trinity College, Dublin; see 17 & 18 Geo. 5, c. 42 (U.K.), s. 3.

5.—(1) The tenure, remuneration, and superannuation rights of a Commissioner appointed under this Order and of the Public Trustee for Northern Ireland shall be such as may be determined by the Secretary of State with the consent of the Treasury.^[1]

Tenure of
office, etc.,
of Com-
missioners.

(2) A Commissioner appointed under this Order shall not, by virtue of his office, become a judge of the Supreme Court of Judicature of Northern Ireland.^[2]

(3) Nothing in this Order shall be taken as impairing the power of nominating a judge of the Supreme Court of Judicature of Northern Ireland to act as Judicial Commissioner or additional Judicial Commissioner of the Commission under section twenty-eight of the Purchase of Land (Ireland) Act, 1891, as it applies to Northern Ireland, or the jurisdiction of a judge so nominated.^[3]

54 & 55
Vict., c. 48.

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No. 615

[¹] See, further, S. R. & O. 1927, No. 1061, below in this chapter.

[²] See, however, s. 5 of 22 Geo. 5, c. 11 (U.K.), set out in Chapter V above.

[³] See, further, S. R. & O. 1927, No. 595, below in this chapter.

Transfer of
officers from
Irish Land
Commis-
sion and
Public
Trustee.

6.—(1) The Secretary of State may, with the consent of the Treasury, make provision for the transfer to the Commission of any officers of the Irish Land Commission and for the continuance, so far as practicable, of the service of officers so transferred in corresponding offices upon conditions not less favourable as respects remuneration and superannuation than those of the offices previously held by them, and subject as afore-said, the Commission may, with the consent of the Secretary of State and the Treasury, appoint or employ such officers or persons as they think necessary for the execution of their powers and duties.

(2) The provisions of the last preceding sub-section shall apply as respects officers of the Public Trustee in like manner as they apply as respects officers of the Irish Land Commission, with the substitution of the Land Purchase Trustee for Northern Ireland for the Commission.

Adaptation
of certain
references in
Land Pur-
chase Acts.

7. In the application of the Land Purchase Acts to Northern Ireland, so far as is consistent with the foregoing provisions of this Order—

references to the Irish Land Commission or to the court of the Irish Land Commission shall be construed as references to the Commission;

references to the Judicial Commissioner, to the Estates Commissioners or to other Commissioners of the Irish Land Commission or to any one or more of them shall be construed as references to a Commissioner appointed under this Order;

references to the Public Trustee appointed under the Irish Land Act, 1903, shall be construed as references to the Land Purchase Trustee for Northern Ireland; **1923 No. 615**

references to Dublin shall be construed as references to Belfast;

references to the Dublin Gazette shall be construed as references to the Belfast Gazette.

8.—(1) Any matter or proceeding relating to land in Northern Ireland which is pending in the Irish Land Commission on the day of transfer shall be transferred to and continued in the Commission. **Transitional provisions.**

(2) Where the Public Trustee appointed under the Irish Land Act, 1903, is on the day of transfer trustee of a settlement, either alone or jointly with some other trustee or trustees, if the settled land in consequence of the sale of which the Public Trustee was appointed trustee of the settlement was land in Northern Ireland, then the Land Purchase trustee for Northern Ireland, subject as hereinafter provided, shall, by virtue of this Order, become trustee of the settlement in his stead; provided that if the income of the investments representing such settled land or any part of that income is at the day of transfer payable to a person ordinarily resident in the Irish Free State, the Land Purchase Trustee for Northern Ireland shall not become trustee of the settlement unless and until he is appointed trustee thereof by a court competent to appoint new trustees of the settlement.

(3) All land in Northern Ireland which at the date of transfer is vested in the Irish Land Commission, and all securities and money (including any interest or dividends not theretofore received) which at that day are vested in that Commission and represent purchase money or proceeds of sale of land in Northern Ireland,

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No. 615

shall, on the day of transfer, be transferred to and vest in the Commission without the necessity of any conveyance, transfer, assignment, or other instrument, and shall be held by the Commission upon the like trusts and for the like purposes upon and for which they were held immediately before that date.

(4) All securities and money (including any interest or dividends not theretofore received) which at the day of transfer are vested in the Public Trustee appointed under the Irish Land Act, 1903, as trustee of a settlement, either alone or jointly with some other trustee or trustees, shall in any case where the Land Purchase Trustee for Northern Ireland by virtue of this Order becomes trustee of the settlement instead of the Public Trustee first mentioned, on the day of transfer, be transferred to and vest in the Land Purchase Trustee for Northern Ireland, or in that trustee and the other trustee or trustees jointly, as the case may be, without the necessity of any transfer, assignment, or other instrument, and shall be held by the Land Purchase Trustee for Northern Ireland, or by that trustee and the other trustee or trustees, as the case may be, upon the like trusts and for the like purposes upon and for which they were held immediately before the day of transfer.

(5) Where any such pending matter or proceeding relates both to land in Northern Ireland and to land elsewhere, or where any such securities or money vested in the Land Commission represent the purchase money or proceeds of sale of land in Northern Ireland and of land elsewhere, the foregoing provisions of this article shall apply to the matter or proceeding so far as it relates to land in Northern Ireland, and to the money and securities so far as they represent the proceeds of sale or purchase money of land in Northern Ireland, and any question that may arise as to the application

of this article to the matter or proceeding, money or securities, shall be determined by the person who at the date of this Order is Judicial Commissioner of the Irish Land Commission, and any division or apportionment that may be necessary shall be made by him; provided that if it appears to that person that a division of the matter or proceeding or the apportionment of any money or security is impracticable, he may direct that, for the purpose of this article, the matter or proceeding shall be treated as relating exclusively to land in Northern Ireland or exclusively to land elsewhere, or that the money or security shall be treated as representing exclusively the purchase money or proceeds of sale of land in Northern Ireland or of land elsewhere, according as the greater part of the land to which the matter or proceeding relates or which is represented by the money or security is situated in Northern Ireland or is situated elsewhere.

(6) For the purpose of this article, the day of transfer shall be the thirty-first day of March, nineteen hundred and twenty-three.

MISCELLANEOUS ADAPTATIONS.

STATUTORY RULES AND ORDERS, 1923,

No. 803, dated 7th July, 1923.

[Order recites s. 69 (a) of the Act of 1920.]

1. This Order may be cited as the Government of Ireland (Miscellaneous Adaptations) (Northern Ireland) Order, 1923.

2. The modifications and adaptations set out in this Order shall have effect as from the date of this Order save where inconsistent with the Government of Ireland Act, 1920, or the provisions of any subsequent

Citation.
Effect of
Order.

10 & 11
Geo. 5, c. 67.

1923
No. 803

Order in Council under that Act, and subject, as respects matters within the powers of the Parliament of Northern Ireland, to repeal or alteration by Acts of that Parliament.

Publication
of reserved
matters
in Belfast
Gazette.

3.—(1) Where by any enactment relating to services other than Irish services,^[1] any order, regulation, notice, or other document is required or authorised to be published in the Dublin Gazette, the enactment, in its application to Northern Ireland, shall be construed as requiring or authorising the publication of the document in the Belfast Gazette instead of in the Dublin Gazette.^[2]

S. R. & O.
1922, No. 77.

(2) Article 7 of the Government of Ireland (Adaptation of Enactments) (No. 1) Order, 1922, shall cease to have effect.

[1] For definition of "Irish services" see s. 8 (8) of the Act of 1920 in Chapter I above.

[2] For other adaptations as to Gazettes, see S. R. & O. 1921, No. 1802, art. 11, and No. 1804, art. 7, above in this chapter.

Verification
of local
standards of
measure
and weight.

4.—(1) If under section sixty-three of the Government of Ireland Act, 1920, arrangements are made by the Ministry of Commerce for Northern Ireland (in this article referred to as "the Ministry") for the carrying out of the verification or re-verification of local standards of measure and weight in Northern Ireland by officers of the Board of Trade, and by means of comparison with standards approved by the Board of Trade, instead of by means of comparison with the Northern Ireland secondary standards, the following provisions shall, during the continuance of such arrangements^[1] but no longer, have effect, namely:—

S. R. & O.
1922,
No. 183.

(a) The provisions of articles 8, 9, and 10 of the Government of Ireland (Adaptation of Enact-

ments) (No. 3) Order, 1922,^[2] so far as they relate to Northern Ireland secondary standards, shall be suspended in their operation; **1923 No. 803**

- (b) References in the Acts to the Board of Trade standards shall be construed as references to the standards approved by the Board of Trade for use in lieu of Northern Ireland secondary standards in pursuance of the arrangements made by the Ministry as aforesaid, and the provisions of the Acts relating to the verification or re-verification of local standards shall apply to Northern Ireland accordingly;
- (c) Notwithstanding anything in the Acts the Ministry may by Order direct that all local standards in Northern Ireland shall be verified under this article on or before such date (not being later than six months after the coming into force of the arrangements^[1] made by the Ministry as aforesaid) as the Ministry may think fit, and that the time within which any such local standards are required to be re-verified shall be extended to the date specified in the Order.

(2) This article shall be construed as one with Part III of the Government of Ireland (Adaptation of Enactments) (No. 3) Order, 1922.^[2]

[¹] Arrangements to the effect here mentioned were made between the Ministry and the Board of Trade in the year 1923.

For s. 63 of the Act of 1920 see Chapter I above.

[²] For these provisions see pp. 462-466, above.

5. Section fifty-five of the Supreme Court of Judicature Act (Ireland), 1877, shall, in its application to the Supreme Court of Judicature of Northern Ireland,

Assistance
for transac-
tion of
High Court
business.

1923
No. 803

40 & 41
Vict., c. 57.

have effect^c so as to enable any ordinary judge of the Court of Appeal in Northern Ireland to assist in transacting the business of any Division of the High Court of Justice in Northern Ireland, if, by reason either of the amount of such business or of the absence of a judge or judges through illness it is found expedient that such ordinary judge should so assist.^[1]

[¹] The adapted enactment applies to the Supreme Court in Northern Ireland by virtue of s. 41 of the Act of 1920, in Chapter I above. For other adaptations see S. R. & O. 1921, No. 1802, above in this Chapter.

Adaptation
of 4 & 5
Will. 4, c. 24.

6. Section twenty of the Superannuation Act, 1834,^[1] in its application to any person appointed, whether before or after the date of this Order, to an office in a public department of the Government of Northern Ireland,^[2] who at the time of his appointment was or is in receipt of a superannuation allowance or compensation payable out of the Consolidated Fund or moneys provided by the Parliament of the United Kingdom, such as is mentioned in that section, shall have effect as if the expression "any office in any public department" included an office in a public department of that Government.

[¹] This section makes provision as follows:—

In case any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity, or any other cause, or enjoying any compensation for past services upon the abolition or reduction of office, shall be appointed to fill any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office then no more of such superannuation allowance or compensation shall be paid to him than what with the salary

of his new appointment shall be equal to that of his former office. **1924**

No. 927

[²] For the public departments of the Government of Northern Ireland see Chapter VI above.

IRISH FREE STATE (UNEMPLOYMENT INSURANCE ARRANGEMENT).

STATUTORY RULES AND ORDERS, 1924,
No. 387, dated 21st March, 1924.

[Order recites s. 6 of 13 Geo. 5, sess. 2, c. 2.]

1. This Order may be cited as the Irish Free State Citation.
(Unemployment Insurance Arrangement) Order, 1924.

2. Paragraph (b) of Part I of the First Schedule to the Unemployment Insurance Act, 1920, shall, in its application to Great Britain and Northern Ireland, have effect as if the words "(not being a ship or vessel registered in the Irish Free State)" were inserted therein after the word "vessel."

Adaptation
of 10 & 11
Geo. 5, c. 30.

3. This Order so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws shall notwithstanding anything in section six of the Government of Ireland Act, 1920, be subject to alteration or revocation by Act of Parliament.

Saving for
powers
of N.I.
Parliament.
10 & 11
Geo. 5, c. 67.

ELECTION LAWS.

STATUTORY RULES AND ORDERS, 1924,
No. 927, dated 12th August, 1924.

[Order recites s. 69 (b) of the Act of 1920.]

1.—(1) This Order may be cited as the Election Laws (Northern Ireland) Order, 1924.

Citation
and inter-
pretation.
52 & 53
Vict., c. 63.

(2) The Interpretation Act, 1889, applies to the

1924
No. 927

interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

General.

10 & 11
Geo. 5, c. 67.
18 Geo. 5,
sess. 2,
cc. 1 and 2.

2.—(1) The election laws and laws relating to the qualification of parliamentary electors in their application to electors and elections of members to serve in the House of Commons for constituencies in Northern Ireland shall have effect subject to the modifications and adaptations set out in this Order save where inconsistent with the Government of Ireland Act, 1920, the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922,^[1] or the provisions of any subsequent Order in Council under any of those Acts.

(2) The adaptations and modifications made by this Order shall apply to any order, scheme, rule, regulation, or instrument made or issued under any of the laws aforesaid and in force as respects Northern Ireland immediately before the date of this Order in like manner as they apply to the enactment under which it was made or issued, and any such order, scheme, rule, regulation, or instrument shall continue in force as respects Northern Ireland in like manner and subject to the like powers of revocation and alteration as if it had been made or issued under the said enactment as so adapted and modified.

[¹] For the last-mentioned Act see Chapter III above.

Exercise
of powers of
former Irish
L. G. B.
7 & 8 Geo. 5,
c. 64.

3.—(1) The powers and duties of the Local Government Board for Ireland under the Representation of the People Act, 1918, and any other election laws or laws relating to the qualification of parliamentary electors shall be exercised and performed by a Secretary of State, and accordingly references in those laws to the Local Government Board for Ireland shall be construed as references to a Secretary of State.

(2) Nothing in this article shall affect prejudicially **1924**
any arrangement that may be made under section **No. 927**
sixty-three of the Government of Ireland Act, 1920,
for the exercise and performance of the said powers
and duties by departments and officers of the Govern-
ment of Northern Ireland.^[1]

[1] See note [1] on s. 63 of the Act of 1920 in Chapter I
above. See also S. R. & O. 1922, No. 1352, above in
this Chapter.

4.—(1) Subject to the provisions of this article, the
Clerk of the Crown and Peace for the county of
Fermanagh shall be registration officer for so much
of the constituency of Fermanagh and Tyrone^[1] as is
comprised in the county of Fermanagh, and the Clerk
of the Crown and Peace for the county of Tyrone shall
be registration officer for so much of the said constitu-
ency as is comprised in the county of Tyrone.

Registration
officers for
counties of
Fermanagh
and Tyrone.

(2) The powers and duties of the registration officer
under Rule 23 of the First Schedule to the Represen-
tation of the People Act, 1918, with respect to the
removal of duplicate entries or the placing of marks
against names in cases of electors whose names appear
in the electors' lists both in Fermanagh and Tyrone,
and such other powers and duties of the registration
officer as may be specified by the Secretary of State
(being powers and duties which in the opinion of the
Secretary of State ought to be exercised and performed
by an officer acting for the whole of a constituency)
shall in the case of the said constituency be exercised
by such one of the said Clerks of the Crown and Peace
as may be designated for the purpose by the Secretary
of State, and the Clerk so designated shall for that
purpose be registration officer for the constituency.

[1] For this constituency see s. 19 and 5th Sched. of the
Act of 1920 in Chapter I above.

1924
No. 927

Adaptation
of 35 & 36
Vict., c. 38.

5. In the Ballot Act, 1872, references to the Clerk of the Crown and Hanaper in Ireland shall be construed as references to the Clerk of the Crown for Northern Ireland.^[1]

[1] See 1st Sched. to the Act of 1872, Pt. I, art. 62.

REGISTRATION OF TITLE.

STATUTORY RULES AND ORDERS, 1924,
No. 1221, dated 9th October, 1924.

[Order recites s. 69 (b) of the Act of 1920.]

Citation.

1. This Order may be cited as the Government of Ireland (County Antrim Registration of Title) Order, 1924.

Abolition of
local registration
of title office
for county
of Antrim.

2.—(1) From and after such date as may be appointed by the Lord Chief Justice of Northern Ireland, the central office in Belfast shall, as regards land in the county of Antrim, be the sole office for registration under the Act of 1891 as it applies to Northern Ireland, and there shall cease to be a local office in that county.^[1]

(2) As regards any land in the said county and any charge, burden, right, or estate on or affecting such land, the register for the purposes of the Act of 1891 shall, from and after such date, mean the register kept in the central office.

(3) For the purpose of giving full effect to this Order, the Registrar of Titles in Northern Ireland shall constitute the register, so far as it relates to transactions entered therein prior to the said date, from the registers or duplicate registers theretofore kept in the central office or in the local office in such manner as it appears to be necessary in order to constitute one complete register.

(4) This article shall be construed as one with Part 1924
III of the Government of Ireland (Supreme Court No. 1428
Matters, etc.) Order, 1922.^[2]

[¹] "the Act of 1891" means the Local Registration of Title (Ireland) Act, 1891 (54 & 55 Vict., c. 66). The date for the purposes of this article was fixed as 1st January, 1925; see Belfast Gazette, 26th December, 1924. S. R. & O. 1922, No. 79.

[²] See p. 425 above in this chapter.

ASSURANCE COMPANIES.

STATUTORY RULES AND ORDERS, 1924,
No. 1428, dated 17th December, 1924.

[Order recites s. 69 (a) and (b) of the Act of 1920.]

1. This Order may be cited as the Government of Ireland (Assurance Companies) Order, 1924, and shall be construed as one with the Government of Ireland (Companies, Societies, etc.) Order, 1922, hereinafter referred to as the principal Order.^[1] Citation and construction. S. R. & O. 1922, No. 184.

[¹] For the principal Order see p. 484 above.

2.—(1) In article 12 of the principal Order the words "the First Schedule to" shall be omitted and the said article shall have effect accordingly. Amendment of Art. 12 of principal Order.

(2) It is hereby declared that paragraph (b) of the proviso to the said article extends and shall be deemed always to have extended to a company (not being a registered company) which had before the appointed day made a deposit in accordance with the Assurance Companies Act, 1909, in respect of any class of business and at that day had its head office elsewhere than in Northern Ireland.^[1] 9 Edw. 7, c. 49.

[¹] As to this sub-section, see notes on Part III of the principal Order.

1925
No. 1013

PETITIONS OF RIGHT ACTS.

STATUTORY RULES AND ORDERS, 1925,

No. 1013, dated 12th October, 1925.

[Order recites s. 69 (a) of the Act of 1920.]

Citation.

1. This Order may be cited as the Government of Ireland (Petitions of Right Acts) Adaptation Order, 1925.

Interpre-

tation.

23 & 24

Vict., c. 34.

52 & 53

Vict., c. 63.

2.—(1) In this Order the expression “the Act of 1860” means the Petitions of Right Act, 1860.^[1]

(2) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

[¹] For the previous extension of this Act to Ireland, see 36 & 37 Vict., c. 69, s. 4.

Adaptation

of the

Act of 1860.

3.—(1) If in relation to any petition of right, the subject-matter of which arises in Northern Ireland—

(a) any question arises whether the petition relates wholly to matters within the powers of the Parliament or Government of Northern Ireland, or partly to matters within and partly to matters outside those powers, or wholly to matters outside those powers; or

(b) any question arises whether the relief to which the suppliant may be entitled is to be afforded, or any costs against the suppliant are to be recovered, by the Government of the United Kingdom or the Government of Northern Ireland or both Governments, or as to the apportionment or adjustment of any such joint liability or right as between the two Governments;

the question shall be determined in such manner as the Treasury and the Ministry of Finance for Northern Ireland may agree.

(2) Where any such petition relates wholly to matters **1925** within the powers of the Parliament or Government of **No. 1013** Northern Ireland, sections eleven, thirteen, and fourteen of and the Schedule to the Act of 1860 shall, in their application to the petition and proceedings consequent thereon, be subject to the following modifications:—

- (a) the certificate to be made under section thirteen of the Act of 1860 shall be a certificate to the Ministry of Finance for Northern Ireland; and accordingly in the Schedule to that Act the reference to the Treasury shall be construed as a reference to the Ministry of Finance for Northern Ireland;
- (b) the amount of any moneys and costs as to which a judgment or decree, rule or order, is given or made that the suppliant is entitled, shall be paid by the Ministry of Finance for Northern Ireland; and accordingly in section fourteen of the Act of 1860, references to the Treasury and to Parliament shall respectively be construed as references to the Ministry of Finance and to the Parliament of Northern Ireland;
- (c) any costs recovered on behalf of His Majesty shall be paid into the Exchequer of Northern Ireland and shall become part of the Consolidated Fund of Northern Ireland; and accordingly in section eleven of the Act of 1860, references to the Exchequer and to the Consolidated Fund shall respectively be construed as references to the Exchequer and to the Consolidated Fund of Northern Ireland.

(3) Where any such petition relates partly to matters within and partly to matters outside the powers of the Parliament or Government of Northern Ireland, sections eleven, thirteen, and fourteen of and the

1925
No. 1013

Schedule to the Act of 1860 shall, in their application to the petition and proceedings consequent thereon, be subject to the following modifications:—

- (a) the certificate to be made under section thirteen of the Act of 1860 shall be a certificate to the Treasury and to the Ministry of Finance for Northern Ireland; and accordingly in the Schedule to that Act the reference to the Treasury shall be construed as including a reference also to the Ministry of Finance for Northern Ireland;
- (b) the amount of any money and costs as to which a judgment or decree, rule or order, is given or made that the suppliant is entitled, shall, to such extent as the same may be determined in manner aforesaid to be payable by the Ministry of Finance for Northern Ireland, be paid by that Ministry; and accordingly, as respects the amount so payable by that Ministry, in section fourteen of the Act of 1860, references to the Treasury and to Parliament shall respectively be construed as references to the Ministry of Finance and to the Parliament of Northern Ireland;
- (c) any costs recovered on behalf of His Majesty shall to such extent as the same may be determined in manner aforesaid to be payable to the Exchequer of Northern Ireland, be paid into that Exchequer and shall become part of the Consolidated Fund of Northern Ireland; and accordingly, in section eleven of the Act of 1860, as respects that amount, references to the Exchequer and to the Consolidated Fund shall respectively be construed as references to the Exchequer and to the Consolidated Fund of Northern Ireland.

COUNCIL OF IRELAND.

1926

No. 560

STATUTORY RULES AND ORDERS, 1926,

No. 560, dated 3rd May, 1926.

[Order recites s. 10 of the Act of 1920; 13 Geo. 5, sess. 2, c. 2; and 15 & 16 Geo. 5, c. 77.]

1.—(1) This Order may be cited as the Government of Ireland (Transfer of Powers of the Council of Ireland) Order, 1926. Citation and interpretation.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict., c. 63.

2. As from the first day of April, nineteen hundred and twenty-six,^[1] the following Orders shall be revoked; that is to say:— Revocation of S. R. & O. 1922, No. 316, 1924, No. 666, 1925, No. 798.

(a) The Provisional Government (Council of Ireland) Order, 1922;

(b) The Diseases of Animals Acts (Northern Ireland) Order, 1924;

(c) The Fisheries (Northern Ireland) Order, 1925.^[2]

[¹] This Order was first made on 19th March, 1926, and operated provisionally under s. 2 of the Rules Publication Act, 1893 (56 & 57 Vict., c. 66).

[²] These revocations were consequential upon the Irish Agreement confirmed by 15 & 16 Geo. 5, c. 77; see Chapter IV above.

3. The Government of Ireland (Transfer and Apportionment of Property) Order, 1922,^[1] shall apply to any property or assets held by or in trust for any department or authority of the Government of the United Kingdom held solely or partly for the purposes of the administration in Northern Ireland of the services the powers in respect of which are from the said first day of April so transferred as aforesaid.^[2] Transfer and apportionment of property. S. R. & O. 1922, No. 82.

1926**No. 560**Railway
matters.S. R. & O.
1923, No. 612.[¹] For this Order see p. 453 above.[²] "as aforesaid"; that is, under 15 & 16 Geo. 5, c. 77.

4. The transfer of the said powers shall not affect the Government of Ireland (Railway and Canal Commission) Order, 1923,^[1] unless and until provision is made by the Parliament of Northern Ireland for the abolition as respects Northern Ireland of the Railway and Canal Commission or the substitution of some other body therefor.

[¹] For this Order see p. 533 above.

NORTHERN IRELAND BAR.

STATUTORY RULES AND ORDERS, 1926,

No. 917, dated 26th July, 1926.

[Order recites s. 69 of the Act of 1920.]

Citation.

1. This Order may be cited as the Government of Ireland (Northern Ireland Bar) Order, 1926.

Adaptation
of refer-
ences to the
Bar.

2. References in any enactment to the Bar or to the members of the Bar shall, if and so far as before the appointed day they applied to the Irish Bar and members of the Irish Bar, be construed as including references to the Bar of Northern Ireland and members of that Bar.^[1]

[¹] See also note on article 4 of Pt. III of Seventh Schedule to the Act of 1920 in Chapter I above.

SUPREME COURT OF JUDICATURE.

STATUTORY RULES AND ORDERS, 1927,

No. 342, dated 22nd April, 1927.

[Order recites s. 69 of the Act of 1920, and

S. R. & O. 1921, No. 1802, above.]

Citation
and inter-
pretation.

1.—(1) This Order may be cited as the Supreme Court of Judicature (Northern Ireland) Order, 1927, and shall have effect subject to any subsequent Order

in Council made under the Government of Ireland 1927
Act, 1920.

No. 595

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

52 & 53
Vict., c. 63.

2. Anything which, by virtue of the said recited Order in Council^[1] is authorised or required to be done to or by the Lord Chief Justice of Northern Ireland may, if the Lord Chief Justice of Northern Ireland is temporarily unable to attend, or his office is vacant, during such inability or vacancy be done to or by the Senior Lord Justice of Appeal in Northern Ireland for the time being:

Temporary
execution of
office of
Lord Chief
Justice.

Provided that nothing in this Order shall confer on such Senior Lord Justice the power of making any permanent appointment to any office.

[1] The Order referred to is S. R. & O. 1921, No. 1802, set out above in this Chapter.

LAND PURCHASE (NORTHERN IRELAND).

STATUTORY RULES AND ORDERS, 1927,

No. 595, dated 27th June, 1927.

[Order recites s. 69 (b) of the Act of 1920;
s. 28 of 54 & 55 Vict., c. 48; and
S. R. & O. 1923, No. 615, above.]

1. This Order may be cited as the Land Purchase Citation.
(Northern Ireland) Order, 1927.

2. Sub-section (5) of section twenty-eight of the Purchase of Land (Ireland) Act, 1891, shall have effect as if for the words "judge of the High Court" there were substituted the words "judge of the Supreme Court." [1]

Temporary
transaction
of Land
Purchase
business
by Supreme
Court
Judges.

1927
No. 1061

[¹] The adapted enactment enables a judge to act temporarily in place of the Judicial Commissioner of the Land Purchase Commission. See also S. R. & O. 1923, No. 615, art. 5 (3), and 1927, No. 1061, in this Chapter.

LAND PURCHASE (NORTHERN IRELAND).

STATUTORY RULES AND ORDERS, 1927,
No. 1061, dated 3rd November, 1927.

[Order recites S. R. & O. 1923, No. 615, above.]

Citation
and con-
struction.

S. R. & O.
1927,
No. 595.

1. This Order may be cited as the Land Purchase (Northern Ireland) Amendment Order, 1927, and shall be construed as one with the principal Order,^[1] and the principal Order, the Land Purchase (Northern Ireland) Order, 1927, and this Order, may be cited together as the Land Purchase (Northern Ireland) Orders, 1923 and 1927.

[¹] The principal Order is S. R. & O. 1923, No. 615, above in this Chapter.

Part-time
Judicial
Commis-
sioner.

2. At the end of sub-section (1) of article 5 of the principal Order the following words shall be inserted: "and the Commissioner qualified to exercise, and perform the powers and duties of the Judicial Commissioner shall, if and to such extent as the Secretary of State may direct, be relieved from taking part in the administrative work of the Commission and exempted from devoting the whole of his time to the duties of his office."^[1]

[¹] Article 5 (1) of S. R. & O. 1923, No. 615, deals with the tenure of office of Commissioners of the Land Purchase Commission, Northern Ireland. Under s. 5 of 22 Geo. 5, c. 11 (U.K.), set out in Chapter V above, a Supreme Court Judge may be appointed to the office of Land Purchase Commissioner, but without remuneration for that office.

INTESTATES ESTATES.

1927

No. 1204

STATUTORY RULES AND ORDERS, 1927,
No. 1204, dated 20th December, 1927.

[Order recites s. 69 of the Act of 1920.]

1. This Order may be cited as the Government of
Ireland (Intestates Estates) Order, 1927.

2. The Intestates Estates Act, 1884,^[1] shall, in its application to Northern Ireland, be subject to the following adaptations in lieu of those contained in section nine of that Act:—

Application
of 47 & 48
Vict., c. 71,
in Northern
Ireland.

- (a) Section five shall have effect as if for the reference to the Attorney-General there were substituted a reference to the Treasury Solicitor or person nominated by the Treasury Solicitor and for the reference to the High Court there were substituted a reference to the High Court for Northern Ireland, and such portion of the proceeds of any sale under the said section five as represents the interests of His Majesty shall be paid, invested, transferred, sold, or disposed of in manner provided by section four of the Treasury Solicitor Act, 1876;

39 & 40
Vict., c. 18.

- (b) Section six shall have effect as if references to the Treasury Solicitor included references to a person nominated by the Treasury Solicitor.

[¹] See, further, s. 3 of the Northern Ireland (Miscellaneous Provisions) Act, 1928 (18 & 19 Geo. 5, c. 24), set out in Chapter V above.

APPENDIX A

LOCAL INSTITUTIONS AND AUTHORITIES

I. *Effect of s. 61 of Government of Ireland Act, 1920.*—Section 61 of the Act (see Chapter I above) made provision that all existing institutions and authorities in Northern Ireland—whether judicial, administrative, or ministerial—should, except as otherwise provided by the Act, continue as before, but with the modifications necessary for adapting them to the Act. The primary effect of the Act, as respects Northern Ireland, was to establish a Parliament, an Executive responsible to that Parliament, and a Supreme Court; that is, to make new arrangements for the central government and central judiciary. At the same time, by virtue of s. 61, such institutions and authorities as existed upon a local basis were continued, subject to the changes made in the central parts of the constitution. It may be noticed that similar safeguards against the dislocation of a “going concern” had accompanied previous constitutional changes. For instance, Art. 8 of the Union of the Kingdoms of Great Britain and Ireland provided that “all the courts of civil and ecclesiastical jurisdiction within the respective kingdoms shall remain as now by law established within the same,” subject to future alterations by the united Parliament (39 & 40 Geo. 3, c. 67). Again, by the Act which constituted the Dominion of Canada, it was enacted that, “Except as otherwise provided by this Act, . . . all courts of civil and criminal jurisdiction, and all legal commissions, powers, and authorities, and all officers, judicial, administrative, and ministerial, existing . . . at the union, shall continue,” subject to future alteration in accordance with the constitution (30 & 31 Vict., c. 3, s. 129).

II. *County organisation*.—The county basis was adopted in Ireland for various important parts of the structure of government; and in this fact may be discerned a natural incident of the settlement of Ireland upon the English model. In England a system of county government was in operation by the 13th century:

"In the county courts and under the guidance of the sheriffs was transacted all the business of the shire: and the act of the county court was the act of the shire in matters judicial, military, and fiscal, in the details of police management, and in questions, where such questions occurred, connected with the general administration of the country. . . . The judicial work of the county was done in the county court: except in the county court even the itinerant justices could not discharge their functions; and the county was the sphere of jurisdiction of the justices of assize and justices of the peace. The county was the *patria* whose report was presented by the juries, and a process by assize was '*per judicium et consilium totius comitatus*.' . . . The conservation of the peace, or police, a department that links the judicial with the military administration of the shire, was fully organised on the same principles."—Stubbs: *Constitutional History of England*, 2nd Ed., Vol. II., pp. 208, 209.

In Ireland a county organisation similar in many respects was brought into being, and its development seems to have proceeded according as progress was made in the general settlement of the country.

The settlement of the north-eastern area of Ireland was seriously undertaken in Elizabeth's reign, and was gradually accomplished during the 17th century. In the middle ages some features of the county system of government appear to have been applied to Ulster as a whole. For instance, at a "Council of Ireland by the magnates of all that island"—25 Edward 1 (1297)—it was agreed "that henceforward there be a sheriff in Ulster, as well of the crosses of Ulster, as to carry out executions in the liberty of Ulster . . . and that the sheriff of Dublin intermeddle not henceforth in Ulster." The county organisation is seen in its early stages in 1584, when Sir John Perrot (the Deputy) formed the counties of Armagh, Tyrone, "Coleraine or Derry," and Fermanagh. The counties of Antrim and Down were finally constituted by the same Deputy. In 1585 a Parliament was called by Perrot; but in the record of that Parliament the counties of Armagh, Tyrone, Derry, and Fermanagh are not mentioned (Ball: *Legislative Systems operative in Ireland*, 1889 Ed., pp. 15, 16, 265). It is stated that "Ulster was not then reduced to obedience";

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and it may be inferred that the shrievalty of other local executive for the counties in question was ineffective, or not fully constituted. Ulster appears to have been better represented in the next Parliament, which met under Sir Arthur Chichester in 1613. In the same year the county of Londonderry was specifically defined and constituted in the Charter granted by James I. to the Irish Society of London. There is no doubt that the county organisation was in regular operation by the early years of the 18th century; whilst during the succeeding periods—first, up to the Union of 1800, and thenceforward until the Act of 1920 came into force in Northern Ireland—legislative reforms of county government were gradually carried out in general accord with the steps taken from time to time as respects England.

III. *Judicial and Executive Authorities of the County.*—

The various authorities forming part of the county organisation in Northern Ireland are comprehensively enumerated in s. 69 of the Local Government (Ireland) Act, 1898 (61 & 62 Vict., c. 37): "A place which, for the purposes of this Act, is a part of an administrative county shall, subject as in this section mentioned, form part of that county for all other purposes, whether assizes, sheriff, lieutenant, custos rotulorum, justices, general quarter-sessions or petty sessions, jurors, militia, police, registration, coroner, clerk of the peace, or other county officers, or otherwise." [The section has a proviso placing parliamentary constituencies and parliamentary representation outside its scope—for these see ss. 14 and 19 of the 1920 Act in Chapter I, and also Chapter VII, above.] The section gave county status for the above purposes to the cities of Belfast and Londonderry; whilst the ancient town of Carrickfergus ceased, by virtue of s. 40 of the Act of 1898, to be a county of a town, and merged in the administrative county of Antrim. The authorities referred to in s. 69 may be briefly particularised as follows:—

(a) *Assizes.*—The ancient system continues in force, whereby ambulatory courts are created by commissions of assize, of oyer and terminer, and of gaol delivery. Under the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict., c. 57, ss. 21 and 41), the jurisdiction of these courts was vested in the High Court of Justice, but the Judges of the High Court and Court of Appeal continued

to receive the commissions. This arrangement applies to the High Court and Court of Appeal in Northern Ireland (see s. 41 of the Act of 1920, set out in Chapter I above). Spring and summer assizes are held annually in each county town, the whole of Northern Ireland (except Belfast) forming one circuit. For the winter assizes Northern Ireland (except Belfast) is formed, by Order in Council under s. 63 of the Act of 1877, into one Winter Assize County, to be held at some specified county town. As regards Belfast, the commission creates a court of oyer and terminer and gaol delivery, but not of assize. The courts of assize comprise a Crown Court and a Civil Court.

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(b) *Sheriff*.—The shrievalty is an English institution of great antiquity, introduced into Ireland in the earliest times of the settlement. The sheriff (viscount) is mentioned in the Ordinances of 21 Edward I (1293), directing that the sheriffs be appointed by the Treasurer and the Barons of the Exchequer “ausy come en Engleterre.” By the Parliament held in 1449 (27 Henry 6) at Dublin, before Richard Nugent, Knight, deputy to Richard Duke of York, Lieutenant of Ireland, it was enacted that no lord of Parliament from this [day forward] be sheriff to our Lord the King—“que nulle seigneur de parlement de cest io soit viscount a notre seigneur le Roy.” Numerous later enactments were passed by the Irish Parliament with respect to the sheriffs, and the early English statutes applied by virtue of Poynings’ Law of 1495. The office is annual and compulsory, and was originally elective. In Northern Ireland the High Sheriff is appointed by the Governor; and in the case of a county of a city the names of three qualified persons are submitted by the county borough council. The sheriff is one of the chief executive officers of the county; but under the Sheriffs (Ireland) Act, 1920 (10 & 11 Geo. 5, c. 26), appointments to the office of under-sheriff (formerly personal to the High Sheriff) are made by the Governor, and the administrative powers and duties of the office devolve upon the under-sheriff, including the functions of returning officer at parliamentary elections. The Sheriffs Act of 1920 did not transfer the sheriff’s duties in connection with the reception of and attendance upon judges at assizes and commissions of oyer and terminer, and in connection with the selection of grand jurors thereat. These duties are discharged by the High

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Sheriff with the assistance of the under-sheriff. The under-sheriff's salary is paid in part out of local rates and in part out of moneys voted by Parliament.

(c) *Lieutenant*.—This office had its origin in the military supervision of the counties by the Crown. In England, before the Tudor dynasty, officers were sent from time to time under Commissions of Array to muster and array the inhabitants of the counties to arms. About the time of Henry VIII. lieutenants of counties began to be introduced as standing representatives of the Crown, to keep them in military order. The Act 4 & 5 Philip and Mary, c. 3—"An act for the taking of musters"—made provision for a fine where a person failed to muster upon command "by any lieutenant, warden, or other person or persons authorised for the same." The lieutenancy was brought under parliamentary regulation by statutes from the time of Charles II. onwards, which recognised the right of the Crown to govern and command the counties in that way. A similar system was established in Ireland, but the powers were sometimes given to officers styled "governors" and "deputy governors" of counties. Provision was made by various enactments for commissions of lieutenancy, and finally, by the Militia Act, 1882, the Crown was empowered to appoint lieutenants for the several counties in the United Kingdom, and deputy lieutenants were to be appointed for each county by the lieutenant; and in the application of the Act to Ireland the lieutenants and deputy lieutenants were given the powers which by former statutes were vested in the governors and deputy governors (45 & 46 Vict., c. 49, ss. 29, 30, 53 (7)). By 11 & 12 Geo. 5, c. 37, s. 4, sched. 2, the Militia Acts were repealed, except as to lieutenants, deputy lieutenants, and clerks to general meetings of lieutenancy—for which see s. 74 of 49 Geo. 3, c. 120. Lieutenants and deputy lieutenants are appointed for the counties of the cities of Belfast and Londonderry, as well as for the other administrative counties.

(d) *Custos Rotulorum*.—This officer may be described as the senior magistrate of the county, chosen to keep the rolls of the King's peace, or records of the sessions. The office is granted by the Governor of Northern Ireland (under s. 3 of 1 & 2 Will. 4, c. 17), usually to the

lieutenant of the county, and always to one of the commission of the peace for the county.

(e) *Justices.*—The power of justices of the peace in England is traced to a statute of Edward 3, which was made the foundation of the commission of the peace. That statute and subsequent English enactments no doubt became part of the law in Ireland by virtue of 10 Henry 7, c. 22—"An Act confirming all the statutes made in England." But early legislation of the Irish Parliament is not entirely silent as to the office, as the following extract from 11 Henry 4 (1410) shows: "The Bill Requereth that y^e Justices of peace in every county shalbe hencforth of the most able psons dwellinge in the same countyes and not otherwayes. And that by the election of the honest men dwellinge in the shire; and if any comission be made otherways, that it be voyde and repelled by write of the Chancery . . . The Governo^r is pleased that y^e Justices of peace be made of the most suffittient y^t dwell wthin the shire, or y^t that have suffitiencye of land wthin the shire. And as to the eleccon, his pleasure is y^t the order heretofore used shalbe continued."—Berry: *Early Statutes of Ireland; John to Henry 5* (Dublin, 1907).

In modern times justices (other than those specially appointed, as mentioned below) were in Ireland appointed by the Lord Chancellor, and in Northern Ireland they are appointed by the Governor. The office of an ordinary justice is an honorary one. According to the Irish practice, whenever new appointments were made a fresh commission was issued under the Great Seal, reciting the names of all persons included in the commission. The procedure in Northern Ireland follows the English procedure, a single commission being issued for each county and county borough, with a schedule in which the names of justices are from time to time inserted or deleted by the clerk of the crown—see 14 & 15 Geo. 5, c. 8, set out in Chapter VI above.

Certain justices are appointed by statute; namely, chairman of county council, district council, or town commissioners; mayor of borough; recorder; county court judge; "resident magistrate" (*i.e.*, judicial officer appointed and paid by the State under 6 & 7 Will. 4, c. 13, s. 31, and 12 & 13 Geo. 5, c. 8 (N.I.), s. 6); inspector-general and deputy inspector-general of R.U.C.

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Justices have jurisdiction out of sessions in some matters, e.g., preliminary investigation of indictable offences; quelling riots; visiting prisons. As to jurisdiction at sessions, see paragraph (f).

(f) *General Quarter or Petty Sessions*.—The jurisdiction of justices at quarter sessions to hear and determine criminal cases tried upon indictment was conferred by the statutes 18 Edward 3, st. 2, c. 2, and 34 Edward 3, c. 1. The jurisdiction has existed in Ireland from the early days of the settlement, and is still referred to in the commission of the peace in the words, "to inquire the truth more fully by the oath of good and lawful men of the aforesaid county . . . of all and all manner of crimes trespasses and all and singular other offences . . . and to inspect all indictments whatsoever so before you or any of you taken"—see 14 & 15 Geo. 5, c. 8, set out in Chapter VI above. The distinction—formerly existing—between general sessions of the peace and quarter sessions is of no practical importance, and general sessions other than quarter sessions are not held in Northern Ireland. The county court judge (formerly "assistant barrister") is *ex-officio* chairman of the justices at sessions, but has no greater power than any other justice. In the county boroughs of Belfast and Londonderry the quarter sessions are held by the recorder sitting as the sole judge. Statutory jurisdiction at quarter sessions includes an appellate jurisdiction from decisions of courts of summary jurisdiction in certain criminal and civil cases.

Justices have jurisdiction to hear and determine at petty sessions, in a summary way, various criminal or quasi-criminal cases, and certain civil disputes. This jurisdiction is derived from particular statutes, and, in general, the hearing and determination of summary cases is regulated in Northern Ireland by the Summary Jurisdiction (Ireland) Acts—i.e., 14 & 15 Vict., c. 93, and the amending enactments for the time being in force. Each county is, for the purposes of this jurisdiction, divided into a number of petty sessions districts.

The jurisdiction of ordinary justices in Northern Ireland has been abridged by statute—in some cases as respects their sittings in quarter sessions, and in others as respects their sittings in petty sessions. For instance, the county

court judge sits as the sole judge on applications and appeals to quarter sessions with respect to licences for the sale of intoxicating liquor by retail (13 & 14 Geo. 5, c. 12); on appeals against summary convictions for motor-ing offences (16 & 17 Geo. 5, c. 31); and offences against the Fisheries Acts (18 & 19 Geo. 5, c. 13). In petty sessions the court of summary jurisdiction is to be composed exclusively of one or more resident magistrates (see para. (e) above) in cases under the last-mentioned group of statutes, and also under various other statutes of the Northern Ireland Parliament giving jurisdiction to justices at petty sessions.

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(g) *Jurors*.—The jury system was put in force in Ireland in the early days of the English settlement, and came to be organised on the county basis. (1) The grand jury, which “presents” persons for trial (originally of its own knowledge, now by bills of indictment), is selected and impanelled by the sheriff under 6 & 7 Will. 4, c. 116, s. 29, to serve at assizes, and these provisions apply to the Belfast city commission by virtue of 16 & 17 Geo. 5, c. 15 (N.I.), s. 4. By s. 5 of the last-quoted statute grand juries were abolished as regards courts of quarter sessions in Northern Ireland. As to the former “fiscal” powers of grand juries, see Head V in this Appendix below. (2) The preparation of the general and special lists of jurors for criminal and civil trials in counties and counties of cities, the qualification of such jurors, and their attendance and impanelling are dealt with in the Juries Acts (Northern Ireland), 1871 to 1926. The Northern Ireland Act of 1926 revised the rating qualifications and curtailed the schedule of exemptions from jury service. Women serve as well as men, by virtue of 9 & 10 Geo. 5, c. 71. Coroner’s juries are still sworn under the general law in Northern Ireland.

(h) *Militia*.—The Militia Acts have now been repealed—see paragraph (c) above.

(i) *Police*.—Since the establishment of the Irish Constabulary in 1836, police have been controlled by the central government, and not, as in England, by the county authorities. Under the enactments relating to the R.I.C. a county chargeability for extra police arose in certain circumstances, but no similar provision is at present in force as respects counties in Northern Ireland. The county

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basis is not material in regard to the Royal Ulster Constabulary—see 12 & 13 Geo. 5, c. 8 (N.I.), and 18 & 19 Geo. 5, c. 4 (N.I.).

(j) *Registration*.—The registration of parliamentary electors for a county (called “voters” in certain enactments now repealed) has, in Ireland, always been connected with the county system of government. Formerly the freeholder took an oath at the county sessions of the peace as to his voting qualification. In Northern Ireland the matter is now governed by s. 44 (3) of the Representation of the People Act, 1918 (7 & 8 Geo. 5, c. 64), under which the clerk of the crown and peace for an administrative county is the “registration officer” for any parliamentary county which is coterminous with, or the whole or greater part of which is contained in, the administrative county. Registration in parliamentary boroughs in ancient times varied with the constitution of each particular borough. The only parliamentary boroughs in Northern Ireland are the county boroughs of Belfast and Londonderry (the latter being merged in the county for elections of members to sit at Westminster). As to these, the general provisions of 7 & 8 Geo. 5, c. 64, make the clerk of the crown and peace the “registration officer,” but the existing Town Clerk of Belfast (1933) is the registration officer for that county borough whilst he remains Town Clerk. See also Chapter VII above.

(k) *Coroner*.—“The office of the coroner is also a very antient one at the common law. He is called coroner, *coronator*, because he hath principally to do with pleas of the crown, or such wherein the sovereign is more immediately concerned.” The coroner was formerly chosen “by the communities of the counties,” by virtue of a writ to the sheriff *de coronatore eligendo*. Under s. 8 of the Coroners (Ireland) Act, 1846 (9 & 10 Vict., c. 37), the county coroner was elected by the parliamentary electors. That enactment was repealed by the Local Government (Ireland) Act, 1898 (61 & 62 Vict., c. 37), s. 14 of which empowered the county council to make the appointment. The coroner of a county borough is appointed by the town council—see s. 21 of the same statute, and 3 & 4 Vict., c. 108, s. 153, and 23 & 24 Vict., c. 74, s. 1. The coroner’s duty consists, principally, in inquiring, when any person

is slain or dies suddenly, concerning the manner of the death. Concerning "treasure trove," he is to inquire who were the finders, and where it is. App. A

(l) *Clerk of the Peace*.—This officer was the clerk of the county sessions of the peace, and became the clerk of the county civil bill courts held under the Civil Bill Courts (Ireland) Act, 1851 (14 & 15 Vict., c. 57). By the County Officers and Courts (Ireland) Act, 1877 (40 & 41 Vict., c. 56), provision was made for the union of the office with that of the clerk of the crown, who was concerned with the county assizes. The corresponding office in counties of cities was also, by the statute of 1877, united with the office of clerk of the crown. The clerkships of the crown and peace for the county of Antrim and the county of the city of Belfast are held by one officer, and a similar arrangement applies to the county and county of the city of Londonderry.

(m) *Civil Bill Courts*.—The county court judge, who is the chairman of the court of quarter sessions for a county (see para. (f) above), sits as the sole judge of the county court, or "civil bill court," which has original jurisdiction within the county in various disputes between party and party up to £50, and a limited jurisdiction in equity and probate, and other statutory jurisdictions—e.g., workmen's compensation, criminal injuries. In the two county boroughs the recorder holds the civil bill court.

IV. *Town Administration*.—The early town authorities in Ireland, as in England, were constituted under charters from the Crown. Some charters were granted in mediæval times, but in Northern Ireland Belfast and Londonderry are the only two boroughs having a long unbroken succession. Belfast was incorporated in 1613, and Londonderry in 1604; both cities survived the Municipal Corporations (Ireland) Act, 1840 (3 & 4 Vict., c. 108), by which various smaller boroughs were swept away; and both became county boroughs under the Local Government (Ireland) Act, 1898 (61 & 62 Vict., c. 37). Under the 1840 Act, as adapted for Northern Ireland by 16 & 17 Geo. 5, c. 6 (N.I.), charters have been granted to the borough of Bangor and to the borough of Coleraine; Coleraine received its original charter in 1613, but ceased to be a corporate town in 1840.

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General statutory provisions for town administration are as follows:—

- 9 Geo. 4, c. 82.—An adoptive statute for establishing elective Town Commissioners with power to strike a limited rate for the lighting, cleansing, and improvement of their towns. Prior to 1898 this Act was in force at Omagh and Dungannon.

The Act of 1840 above cited.—This was the “Irish edition” of the Municipal Reform Act of 1835. It provided a uniform system of administration and a uniform basis of local representation for ten borough corporations in Ireland (including Belfast and Londonderry), and dissolved those with no valid claim to continue their corporate existence.

The Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict., c. 103).—This is an adoptive Act, under which elective Town Commissioners can be established with powers for cleansing, paving, and lighting of streets, and as respects dangerous buildings, regulation of traffic, licensing of hackney carriages, sale of gunpowder, and regulation of objectionable trades. Commissioners having similar powers were sometimes established by local Act.

The Public Health (Ireland) Act, 1878 (41 & 42 Vict., c. 52), forms the basis of modern urban administration. The sanitary and general provisions of the Act were applied to the then existing town authorities—the Town Council of each incorporated borough, and the Town Commissioners of each town with over 6,000 inhabitants, becoming an Urban Sanitary Authority. The water supply of Belfast remains in the hands of the separate body of Commissioners to whom it had been entrusted in 1840; these commissioners were not affected by the provisions of the 1878 Act as to water supplies.

The Local Government (Ireland) Act, 1898 (61 & 62 Vict., c. 37), provided that all Urban Sanitary Authorities should be called Urban District Councils, and their districts Urban Districts, but that this provision should not alter the style or title of the corporation or council of a borough. The Act also made each of the boroughs of Belfast and Londonderry “an adminis-

trative county of itself," to be called a County Borough. [It may be noted (a) that the Act of 1898 incorporates the *council* of an urban district, whilst the old charters and the Municipal Corporations Act provided for the incorporation of the *inhabitants*; and (b) that new urban districts with councils can be created by the two steps of adoption of the Act of 1854, and constitution of the town thus formed as an Urban Sanitary Authority under the Act of 1878, as amended by the Act of 1898.] App. A

Local Acts.—Special powers have been granted in this way to various towns; *e.g.*, Belfast, Londonderry, Bangor, Lisburn, Lurgan, Newry, Portadown.

V. *County and Rural District Administration*.—(1). County councils were established in Ireland by the Local Government (Ireland) Act, 1898, a step contemplated since the passing of the English Act ten years earlier, and foreshadowed in some enactments relating to Ireland; *e.g.*, s. 15 of the Irish Education Act, 1892 (55 & 56 Vict., c. 42, now repealed), which gave powers to "Any county council which may be established under any Act of any future session of Parliament." A county council is a body corporate, consisting of a chairman and councillors (but not aldermen as in England). The councillors are elected by the local government electors (see Head VII in this Appendix below), except in the case of the chairmen of rural district councils within the county, who are *ex-officio* additional members, and one or two additional councillors chosen by the county council. The term of office is three years. The chief functions of a county council in Northern Ireland are as follows:—

(a) Business of the grand jury and county-at-large presentment sessions as to public works; that is, roads, bridges, etc. This business—transferred by the Act of 1898—was formerly included in the "fiscal powers of grand juries." It was declared in the preamble to 6 & 7 Will. 4, c. 116 (1836), that the laws in force in Ireland upon this subject "have become obscure and complicated from their multiplicity, and their provisions have been found in many respects insufficient." The Act of 1836 effected consolidation, amendment and uniformity of assessment, and still supplies the foundation for much of the county adminis-

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tration. [The transfer of the administrative business of grand juries to the Irish county councils may be compared with the transfer of similar business in England from the justices of the county in quarter sessions assembled.]

(b) Business of the poor law guardians as to poor rate (except in urban districts); cattle diseases; destructive insects; and explosives.

(c) Provision and management (through a committee) of asylums for the lunatic poor—now called public mental hospitals—the former boards of governors being abolished.

(d) Joint management (with representatives of the governors) of the county infirmaries established under 5 Geo. 3, c. 20 (Irish).

(e) Treatment of tuberculosis and venereal disease; supervision of sale of food and drugs; welfare of blind persons; maternity and child welfare schemes; registration of midwives and nursing homes.

(f) Functions of local education authority under the Education Acts (Northern Ireland), 1923 to 1931.

(g) Drainage of land and flood prevention under the Drainage Acts (Northern Ireland), 1925 to 1931.

The county council appoint the secretary of the county council, county surveyor, county medical officer, and county analyst. Most of the functions above-mentioned devolve also upon the councils of the county boroughs, which became administrative counties by virtue of the Act of 1898 (see Head IV in this Appendix above).

(2). Rural district councils were established in Ireland by the Local Government (Ireland) Act, 1898, for districts within each county, exclusive of the urban districts and municipal boroughs, but inclusive of non-urban towns under the Towns Improvement (Ireland) Act, 1854—for which see Head IV in this Appendix above. A rural district council is a body corporate, consisting of a chairman and councillors elected by the local government electors, with not more than three additional members chosen by the council. The term of office is three years. The chief functions of a rural district council in Northern Ireland are as follows:—

(a) The business of the former baronial presentment sessions, so far as respects their district. This business was concerned with public works chargeable, under the grand

jury system, upon baronies and not upon the county-at-large. The sessions were held by the justices and associated coo-payers of the barony, who at their meetings considered applications for public works, and, if approved, sent them on to the secretary of the grand jury (see 6 & 7 Will. 4, c. 116). The Local Government Act of 1898, by a transfer of powers, put the rural district council into a somewhat similar relationship with the county council as respects public works maintainable by the rural district.

(b) The business of the former "rural sanitary authority" (the guardians of the poor law union) under the Public Health (Ireland) Acts (sanitary services) and the Labourers (Ireland) Acts (cottages and plots for labourers in rural areas).

(c) Functions in connection with unhealthy dwelling-houses under Part II of the Housing of the Working Classes Act, 1890, and the amending enactments of the Parliament of Northern Ireland.

VI. *Poor Law Guardians*.—The Elizabethan poor law (43 Eliz., c. 2) did not apply in Ireland. Houses of industry, workhouses, foundling hospitals, and charitable institutions grew up (*e.g.*, the Belfast Charitable Institution, established in 1774), and some were supported wholly or in part out of public funds. But no uniform system of poor relief was introduced until the statute of 1838 (1 & 2 Vict., c. 56), which applied to Ireland the leading features of the English Act of 1834. The country was divided into poor law unions (not necessarily with any regard to county boundaries), and for each union there was set up a corporate body—the "guardians of the poor"—to act under the direction and control of a central government department (formerly the English poor law commissioners, subsequently a separate Irish Board). A board of guardians consisted as to two-thirds of elected members, and as to one-third of *ex-officio* members. The elected members were chosen by the poor-rate payers, each ratepayer having from one to six votes according to the annual value of his rateable property. The *ex-officio* members consisted of the ordinary justices of the peace resident in the union, or the necessary proportion of them chosen at a meeting of justices. Both classes of members were to be chosen annually. The electoral divisions within the union formed separate units for poor rate.

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The functions of guardians under the Poor Relief Acts were, and still are, concerned with relief to destitute persons in the workhouse, or by way of outdoor relief. By extensions of the Act of 1838 they became concerned with medical relief (domiciliary and dispensary) and hospital relief for poor persons, and with the administration of the compulsory Vaccination Acts. Functions were later bestowed upon guardians as the "rural sanitary authority," but these passed to the rural district councils under the Local Government (Ireland) Act, 1898—see Head V in this Appendix above. Their rating powers were transferred to the county council, and union rating was substituted for divisional rating by the same Act.

The Local Government Act made important changes, not only in the functions, but also in the constitution, of the board of guardians. *Ex-officio* guardians were abolished; the rural district councillors became guardians for the union comprising their rural district; and guardians were to be elected to the board to represent any urban district within the union. All elections took place upon a new local government franchise, for which see Head VII in this Appendix below.

Legislation subsequent to the Act of 1898 has brought it about that the poor law guardians are no longer the sole authority charged with the relief of poverty in its various aspects; *e.g.*, the enactments relating to old age pensions; health insurance and contributory pensions; unemployment insurance; blind persons; maternity and child welfare. The legislation passed from time to time by the Northern Ireland Parliament in these matters is similar to that which has been enacted for Great Britain.

VII. *The Local Government Franchise and Membership Qualification.*—The constitution of each ancient town corporation depended upon the terms of its charter of incorporation, and these constitutions differed from each other in respect of the election of members of the governing body and the qualifications of the electors. The Municipal Corporations (Ireland) Act, 1840 (3 & 4 Vict., c. 108), amongst other matters, provided for uniformity in these respects. The governing body—aldermen and councillors—were to be elected periodically by male persons of full age, resident in the borough and occupying therein rate-

able property of an annual value of not less than £10. Eligibility for the offices of alderman and councillor depended upon the possession of property (real or personal) of £1,000, or occupation of rateable property not less than £25 in annual value. As under the Act of 1840, so under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict., c. 103), different qualifications were prescribed for electors and for candidates for office as commissioners. The rateable valuation for electors was £4, and £12 for commissioners; an immediate lessor of premises in the town of £50 annual value could also be chosen as commissioner. For Poor Law Guardians there was a cumulative ratepayers' franchise. A net annual value below £20 gave one vote; £20 to £50, two votes; £50 to £100, three votes; £100 to £150, four votes; £150 to £200, five votes; £200 and upwards, six votes. The qualification for elected guardians was to consist in being entitled to be an elector, and occupying property of a rateable valuation not exceeding £30, or such less figure as the Poor Law Commissioners might fix.

The Local Government Act of 1898 made sweeping changes, both in franchise and eligibility for office. A local government register of electors was formed by adding to the parliamentary register a local government supplement, in which was entered every person "who would, but for being a peer or woman," be entitled to possess the then existing parliamentary franchise. The electors on this register were entitled to vote at all local government elections in their appropriate areas for county, district, and borough councils, guardians in urban districts, and town commissioners. The qualification for membership of a county council consisted in being a local government elector for the county; local government electors, and also residents of twelve months' standing, were made eligible for election as urban and rural district councillors, guardians in urban districts, and town commissioners. As regards women, an exception from this rule disqualified them for membership of county or borough councils; this disqualification was removed by 1 & 2 Geo. 5, c. 25.

The Representation of the People Act, 1918 (7 & 8 Geo. 5, c. 64), set up separate local government franchises for men and women, based upon occupancy as owner or tenant. As regards Northern Ireland, the men's and

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women's franchises were assimilated by 18 & 19 Geo. 5, c. 24 (N.I.), under which a person is now entitled to be a local government elector if he or she is of full age and not subject to any legal incapacity, and is either the occupier as owner or tenant of land or premises (not being a dwelling-house) of £5 yearly value, or a dwelling-house, or is the husband or wife of a person entitled to be so registered in respect of premises in which both the husband and wife reside. The same statute gave a local government franchise to companies having for twelve months occupied land or premises of a rateable value of not less than £10. A nominee of the company is put on the register, and several nominees may be so put on—one for each £10 of the valuation of the qualifying property, but not exceeding six persons in all for any one company. Qualification for election as councillor, guardian, or town commissioner is still regulated by the provisions above-mentioned of the Local Government Act of 1898, except that the local government elector is registered in respect of the franchises created in 1928; and, since 1918, a person is qualified to be elected a member of a local government authority if he (or she) is the owner of property held by freehold, leasehold, or any other tenure within the area of that authority (7 & 8 Geo. 5, c. 64, s. 10).

The over-riding qualification of three years' residence in the United Kingdom (see pp. 343, 381 above) applies in the case of the qualification for voting which consists of occupation, as owner or tenant, of land or premises not being business premises.

VIII. *The Local Government Act (Northern Ireland), 1922.*—This Act (12 & 13 Geo. 5, c. 16) restored the direct method of voting at local government elections, abolishing the system of proportional representation which had been put in force by 9 & 10 Geo. 5, c. 19; it provided that candidates for election should make a money deposit upon nomination; and required members and officers of local authorities to take a declaration of allegiance to His Majesty and His Government of Northern Ireland. The Act applies generally to the local authorities mentioned in Heads IV, V, and VI in this Appendix, above.

IX. *Port and Harbour Administration.*—Commissioners or trustees incorporated under local Acts of Parliament

act as port or harbour authorities, as follows:—

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Belfast Harbour—10 & 11 Vict., c. lii, 46 & 47 Vict., c. lix, etc.

Carlingford Lough—27 & 28 Vict., c. xciii.

Coleraine Harbour—42 & 43 Vict., c. clxxv.

Londonderry Port and Harbour—17 & 18 Vict., c. clxxvii, and 10 & 11 Geo. 5, c. lxxv.

Newry Port and Harbour—1 Edw. 7, c. xci.

- The harbour at Bangor is administered by the Borough Council (10 & 11 Geo. 5, c. clxxvii) and the Carrickfergus Harbour by the Urban District Council (17 & 18 Geo. 5, c. iii (N.I.)). The harbours at Ardglass and Donaghadee are administered by the Ministry of Commerce. Various piers and quays are maintained by county councils under powers conferred by general statutes.

APPENDIX B

REPEALED ENACTMENTS

I. Council of Ireland and Irish Union.—In an official “Summary of Main Provisions” of the Government of Ireland Act, 1920, it was stated that “Although at the beginning there are to be two Parliaments and two Governments in Ireland, the Act contemplates and affords every facility for union between North and South, and empowers the two Parliaments by mutual agreement and joint action to terminate partition and to set up one Parliament and one Government for the whole of Ireland.” (See also Part I of this work, pp. 17–19, 29, 57–65.) The following are the provisions (subsequently repealed) to which this statement had reference:—

Constitution
of Council of
Ireland.

2.—(1) With a view to the eventual establishment of a Parliament for the whole of Ireland, and to bringing about harmonious action between the Parliaments and Governments of Southern Ireland and Northern Ireland, and to the promotion of mutual intercourse and uniformity in relation to matters affecting the whole of Ireland, and to providing for the administration of services which the two Parliaments mutually agree should be administered uniformly throughout the whole of Ireland, or which by virtue of this Act are to be so administered, there shall be constituted, as soon as may be after the appointed day, a Council to be called the Council of Ireland.

(2) Subject as hereinafter provided, the Council of Ireland shall consist of a person nominated by the Lord

Lieutenant acting in accordance with instructions from His Majesty who shall be President^[1] and forty other persons, of whom seven shall be members of the Senate of Southern Ireland, thirteen shall be members of the House of Commons of Southern Ireland, seven shall be members of the Senate of Northern Ireland, and thirteen shall be members of the House of Commons of Northern Ireland.

The members of the Council of Ireland shall be elected in each case by the members of that House of the Parliament of Southern Ireland or Northern Ireland of which they are members.

The election of members of the Council of Ireland shall be the first business of the Senates and Houses of Commons of Southern Ireland and Northern Ireland.^[2]

A member of the Council shall, on ceasing to be a member of that House of the Parliament of Southern Ireland or Northern Ireland by which he was elected a member of the Council, cease to be a member of the Council: Provided that, on the dissolution of the Parliament of Southern Ireland or Northern Ireland, the persons who are members of the Council elected by either House of that Parliament shall continue to hold office as members of the Council until the date of the first meeting of the new Parliament and shall then retire unless re-elected.

The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.

The first meeting of the Council shall be held at such time and place as may be appointed by the Lord Lieutenant.

The Council may act notwithstanding a vacancy in their number, and the quorum of the Council shall be fifteen; subject as aforesaid, the Council may regulate their own procedure, including the delegation of powers to committees.

(3) The constitution of the Council of Ireland may from time to time be varied by identical Acts passed by the Parliament of Southern Ireland and the Parliament of Northern Ireland, and the Acts may provide for all or any of the members of the Council of Ireland being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be

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returned and the number of the members to be returned by the several constituencies and the method of election.

[¹] "President." No person was ever nominated.

[²] In Northern Ireland each House elected by ballot its respective representatives on 23rd June, 1921.

Power to
establish a
Parliament
for the
whole of
Ireland.

3.—(1) The Parliaments of Southern Ireland and Northern Ireland [¹] may, by identical Acts agreed to by an absolute majority of members of the House of Commons of each Parliament at the third reading (hereinafter referred to as constituent Acts), establish, in lieu of the Council of Ireland, a Parliament for the whole of Ireland consisting of His Majesty and two Houses (which shall be called and known as the Parliament of Ireland), and may determine the number of members thereof and the manner in which the members are to be appointed or elected, and the constituencies for which the several elective members are to be returned, and the number of members to be returned by the several constituencies, and the method of appointment or election, and the relations of the two Houses to one another; and the date at which the Parliament of Ireland is established is hereinafter referred to as the date of Irish union:

Provided that the Bill for a constituent Act shall not be introduced except upon a resolution passed at a previous meeting of the House in which the Bill is to be introduced.

(2) On the date of Irish union the Council of Ireland shall cease to exist and there shall be transferred to the Parliament and Government of Ireland all powers then exercisable by the Council of Ireland, and (except so far as the constituent Acts otherwise provide) the matters which under this Act cease to be reserved matters at the date of Irish union, and any other powers for the joint exercise of which by the Parliaments or Governments of Southern and Northern Ireland provision has been made under this Act.

(3) There shall also be transferred to the Parliament and Government of Ireland, except so far as the constituent Acts otherwise provide, all the powers and duties of the Parliaments and Governments of Southern Ireland and Northern Ireland, including all powers as to taxation, and, unless any powers and duties are retained by the Parliaments and Governments of Southern Ireland and

Northern Ireland under the constituent Acts, those Parliaments and Governments shall cease to exist: **App. B**

Provided that, if any powers and duties are so retained, the constituent Acts shall make provision with respect to the financial relations between the Exchequers of Southern and Northern Ireland on the one hand and the Irish Exchequer on the other.

(4) If by the constituent Acts any powers and duties are so retained as aforesaid, the Parliaments of Southern Ireland and Northern Ireland may subsequently by identical Acts transfer any of those powers and duties to the Government and Parliament of Ireland, and, in the event of all such powers and duties being so transferred, the Parliaments and Governments of Southern Ireland and Northern Ireland shall cease to exist.

[¹] This section, together with all other provisions of the Act referring to "the date of Irish union"—e.g., ss. 9 (part of), 35, 36, 47 (part of), 69 (c) (d) (k)—ceased to have effect by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1 (1).

For a different proposal for Irish union, see Arts. 14 and 15 of the Irish Agreement set out in Chapter II above.

7.—(1) The Council of Ireland shall have power to make orders with respect to matters affecting interests both in Southern Ireland and Northern Ireland, in any case where the matter—

- (a) is of such a nature that if it had affected interests in one of those areas only it would have been within the powers of the Parliament for that area; and
- (b) is a matter to effect which it would, apart from this provision, have been necessary to apply to the Parliament of the United Kingdom by petition for leave to bring in a Private Bill.

(2) The provisions contained in the First Schedule to this Act shall have effect with respect to the procedure for making such orders.^[1]

(3) Any order so made by the Council of Ireland under this section shall be presented to the Lord Lieutenant for His Majesty's assent, in like manner as a Bill passed by the Senate and House of Commons of Southern Ireland or Northern Ireland, and, on such assent being given, the order shall have effect in Southern and Northern Ireland respectively, as if enacted by the Parliament of Southern Ireland or Northern Ireland as the case may be.

[¹] See p. 594 below.

Powers of Council of Ireland to make orders respecting Private Bill legislation for whole of Ireland.

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Powers of
Council
of Ireland.

10.—(1) The Parliaments of Southern Ireland and Northern Ireland may, by identical Acts, delegate to the Council of Ireland any of the powers of the Parliaments and Governments of Southern Ireland and Northern Ireland, and such Acts may determine the manner in which the powers so delegated are to be exerciseable by the Council.

(2) With a view to the uniform administration throughout Ireland of public services in connection with railways and fisheries and the administration of the Diseases of Animals Acts, any powers (not being powers relating to reserved matters) exerciseable by any department of the Government of the United Kingdom at the appointed day with respect to railways and fisheries and the contagious diseases of animals in Ireland, and the power of making laws with respect to railways and fisheries and the contagious diseases of animals, shall, as from the appointed day, become powers of the Council of Ireland, and not of the Governments and Parliaments of Southern Ireland and Northern Ireland:

Provided that nothing in this sub-section shall prevent the Parliament of Southern Ireland or of Northern Ireland making laws authorising the construction, extension, or improvement of railways where the works to be constructed are situate wholly in Southern Ireland or Northern Ireland as the case may be:

Provided also that the appointed day fixed for the purpose of this sub-section shall be a date not earlier than the expiration of the period of two years mentioned in sub-section (1) of section three of the Ministry of Transport Act, 1919, and all claims arising before the appointed day under section eight of the Ministry of Transport Act, 1919, or determinable as if they were claims so arising, shall be satisfied by the Minister of Transport in accordance with that section. The rates, fares, tolls, dues, and other charges directed by the Minister of Transport under the Ministry of Transport Act, 1919, and in force on the appointed day, may be charged until fresh provision shall be made by the Council of Ireland, or the Parliament of the United Kingdom, with regard to the amount of any such rates, fares, tolls, dues, and other charges.^[1]

(3) The Council may consider any questions which may appear in any way to bear on the welfare of both Southern

9 & 10
Geo. 5, c. 50.

Ireland and Northern Ireland, and may by resolution make suggestions in relation thereto as they may think proper, but suggestions so made shall have no legislative effect, and in particular it shall be the duty of the Council of Ireland as soon as may be after the constitution thereof to consider what Irish services ought in the common interest to be administered by a body having jurisdiction over the whole of Ireland, and what reserved services which are transferable on the passing of identical Acts ought to be so transferred, and to make recommendations to the Parliaments of Southern Ireland and Northern Ireland as to the advisability of passing identical Acts delegating to the Council of Ireland the administration of any such Irish services, with a view to avoiding the necessity of administering them separately in Southern Ireland or Northern Ireland, and providing for the transfer of any such reserved services at the earliest possible date.^[2]

(4) Before any order made by the Council in exercise of any legislative powers vested in the Council comes into force, the order shall be presented to the Lord Lieutenant for His Majesty's assent in like manner as a Bill passed by the Senate and House of Commons of Southern Ireland or Northern Ireland, and, on such assent being given, the order shall have effect in Southern Ireland and Northern Ireland respectively, as if enacted by the Parliament of Southern Ireland or Northern Ireland as the case may be.

(5) For the purposes of their powers and duties with respect to Private Bill legislation, railways and fisheries, and diseases of animals, the Council shall have power to appoint such officers as, with the consent of the Joint Exchequer Board, they may think necessary, and the salaries and remuneration of those officers, and any other expenses of the Council with respect to such matters as aforesaid, to such amount as the Joint Exchequer Board may approve shall, so far as not met by fees paid to or other receipts of the Council, be apportioned between Southern Ireland and Northern Ireland in such manner as the Joint Exchequer Board may determine, and the amounts so apportioned shall be charged on and paid out of the Consolidated Fund of Southern Ireland and the Consolidated Fund of Northern Ireland respectively; and for the purposes of their other powers and duties the Council shall have power to appoint such secretaries and

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officers as, subject to the consent of the Treasury of Southern Ireland and the Treasury of Northern Ireland, they may think fit, and the salary and remuneration of those officers and any other expenses of the Council to such amount as the said Treasuries may approve shall, so far as not met as aforesaid, be paid out of moneys provided by the Parliaments of Southern Ireland and Northern Ireland in such proportions as the said Treasuries may mutually agree, or in default of agreement may be determined by the Joint Exchequer Board hereinafter constituted.

(6) It shall be lawful for either Parliament at any time by Act to revoke the delegation to the Council of Ireland of any powers which are in pursuance of such identical Acts as aforesaid for the time being delegated to the Council, and thereupon the powers in question shall cease to be exercisable by the Council of Ireland and shall become exercisable in the parts of Ireland within their respective jurisdictions by the Parliaments and Governments of Southern Ireland and Northern Ireland, and the Council shall take such steps as may be necessary to carry out the transfer, including adjustments of any funds in their hands or at their disposal:

Provided that this sub-section shall not apply to any service which on ceasing to be a reserved service has, in pursuance of identical Acts passed by the two Parliaments, been transferred to the Council of Ireland.

[1] For so much of this sub-section as is operative with respect to Northern Ireland, see Chapter I above. For the provisions in force with respect to "Council of Ireland" services, see Chapter IV above.

[2] Compare with this, Art. 5 of the Schedule to 15 & 16 Geo. 5, c. 77, in Chapter IV above.

Provisions
applicable
after date of
Irish union.

35.—(1) As from the end of the financial year in which the date of Irish union falls, the foregoing financial provisions shall have effect, subject to the following modifications:—

(a) There shall be an Irish Exchequer and an Irish Consolidated Fund in the place of or, if constituent Acts so provide, in addition to the Exchequers and Consolidated Funds of Southern Ireland and Northern Ireland:

(b) The Parliament and Government of Ireland shall, except so far as constituent Acts otherwise provide, have all the powers of taxation (including

the powers in relation to income tax and super-tax) which before the date of Irish union were vested in the Governments and Parliaments of Southern Ireland and Northern Ireland:

- (c) The Irish residuary share of reserved taxes shall be paid into the Irish Exchequer:
- (d) The Government of Ireland shall, unless the constituent Acts otherwise provide, have the power to collect and recover purchase annuities, and the annuities collected by them shall be paid into the Irish Consolidated Fund:
- (e) For the members of the Joint Exchequer Board appointed by the Treasuries of Southern Ireland and Northern Ireland there shall be substituted two members appointed by the Irish Treasury:
- (f) The provisions making stock or securities issued in respect of loans raised by the Governments of Southern Ireland and Northern Ireland trustee securities shall extend to stock or securities issued in respect of loans raised by the Government of Ireland.

(2) Provision shall be made by the Parliament of Ireland for the cost of Irish services administered by the Government of Ireland.

(3) All sums paid into the Irish Exchequer shall form the Irish Consolidated Fund, and, subject to the provisions of any Act of the Parliament of Ireland, or this Act, or any other Act of the Parliament of the United Kingdom charging any sums on the Irish Consolidated Fund, all such sums shall be appropriated to the public service of Ireland by Act of the Parliament of Ireland, and shall not be applied for any purpose for which they are not so appropriated.

(4) Save as may be otherwise provided by Act of the Parliament of Ireland, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply, with the necessary modifications, to the Irish Exchequer and Consolidated Fund, and an officer shall be appointed by the Lord Lieutenant to be Comptroller and Auditor-General for Ireland.

(5) Save as may be otherwise provided by Act of the Parliament of Ireland, the accounts of the Irish Consoli-

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dated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, and any Acts amending the same, by or under the direction of the Irish Comptroller and Auditor-General.

Future consideration of the transfer of Customs and Excise.

36. If at any time after the date of Irish union an address for the purpose is presented by both Houses of the Parliament of Ireland, the Joint Exchequer Board shall forthwith take into consideration the transfer to the Parliament and Government of Ireland of the powers of imposing, charging, levying, and collecting customs duties and excise duties reserved by this Act, and report thereon, and on the methods by which in case of such transfer the payment of the Irish contribution to Imperial liabilities and expenditure can be secured, and shall cause a copy of their report to be laid before the Parliament of the United Kingdom and the Parliament of Ireland.

Power to make Irish Transfer Orders.

69. His Majesty may by Orders in Council (in this Act referred to as Irish Transfer Orders)^[1] make such regulations as seem necessary or proper for setting in motion the Parliaments and Governments of Southern and Northern Ireland, and, when established, the Parliament and Government of Ireland, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation, or for giving full effect to any provisions of this Act, or to any future transfer under or by virtue of this Act of a reserved service; and in particular His Majesty may by any such Order in Council—

* * * * *

- (c) on the transfer of the postal service^[2] make regulations with respect to the relations of the Irish and British Post Offices, and in particular provide for an apportionment of the capital liabilities of the Post Office between the Exchequers concerned, for the execution of postal services by the one Post Office at the request of and on behalf of the other, and for the terms and conditions under which the services are to be so executed, for facilities being given in connection with any such postal services at the request of one Post Office by the other, and for the reservation of power to His Majesty by Order in Council to transfer in

time of war or national emergency, the powers or duties of the Irish Post Office to the British Post Office, or to the naval, military, or air force authorities of the United Kingdom; and **App. B**

- (d) on the transfer under this Act of public services in connection with the Post Office Savings Bank or Trustee Savings Banks,^[1] make provisions for giving a depositor in the Post Office Savings Bank resident in Ireland the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer the payment of the annuity or of any sums due under the policy;

* * * * *

- (k) in the event of the Parliament of Ireland^[4] being established, apply, so far as applicable, and subject to this Act and the constituent Acts, and subject to any necessary adaptations, to the Parliament and Government of Ireland, and ministers, departments, and officers of that Government, the provisions of this Act relating to the Parliaments and Governments of Southern and Northern Ireland, and ministers, departments, and officers of those Governments, and provide for the transfer of officers, property, and liabilities from the Governments of Southern and Northern Ireland to the Government of Ireland.

[1] "Irish Transfer Orders." For so much of this section as is operative with respect to Northern Ireland, see Chapters I and VIII above.

[2] "the postal service." In s. 9 of the Act of 1920, as originally enacted, there was a provision that the postal service (and other reserved matters) might, on or after the date of Irish union, be transferred from the Government of the U.K. to the Government of Ireland.

[3] "Post Office Savings Bank or Trustee Savings Banks." These were reserved matters whose future transfer was contemplated under s. 9 of the Act of 1920 (see note [2] above).

[4] "the Parliament of Ireland." See s. 3 of the Act of 1920, set out above in this Appendix.

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FIRST SCHEDULE.

PROCEDURE OF THE COUNCIL OF IRELAND IN RELATION TO
THEIR POWERS OF PRIVATE BILL LEGISLATION.

1. Where any public authority or any persons (hereinafter referred to as "the promoters") desire to obtain an order of the Council of Ireland in regard to any matter with respect to which the Council have power to make an order under section seven of this Act, the promoters may proceed by presenting a petition to the Council praying them to issue an order in accordance with the draft order submitted to them by the promoters, or in accordance with that draft, subject to such modifications as may appear necessary.

2. The Council may make standing orders (subject, in the case of orders as to fees, to the consent of the Treasuries of Southern Ireland and Northern Ireland) with respect to the procedure under this Schedule, and in particular with respect to—

- (a) the time and manner in which petitions are to be presented;
- (b) the deposit of plans and books of reference;
- (c) the publication of notices, and, where land is to be taken, the service of notices on owners, lessees, and occupiers;
- (d) the deposit of copies of the draft order, whether as originally presented or as proposed to be altered, with the Council of Ireland and such departments of the Governments of Southern Ireland and Northern Ireland as may be prescribed by the Lord Lieutenant, and, in such cases as may be prescribed by the Lord Lieutenant, with such departments of the Government of the United Kingdom as may be so prescribed;
- (e) the holding of meetings of the Council for the consideration of petitions and draft orders;
- (f) the reference of petitions, draft orders, and oppositions to examiners for examination and report whether standing orders have been complied with and otherwise;

(g) the reference of draft orders for consideration by committees of the Council; **App. B**

- (h) oppositions to draft orders;
- (i) fees;

so, however, that the standing orders shall authorise oppositions to a draft order by any persons who, if the petition had been a petition for a Bill presented to the Parliament of the United Kingdom, would have been entitled to appear and oppose the Bill, and shall require the reference of the draft order to a committee of the Council in any case where it is opposed and the opposition has not been withdrawn, and shall require the committee to sit in that part of Ireland in which the promoters reside or have their principal place of business.

3. The Council shall, after considering any reports received by them from any department with which copies of the draft order have been deposited, and, where the draft order has been referred to a committee of the Council, the report of that committee, determine whether to issue the order as prayed for, or to issue the order with such modifications as may appear to be necessary having regard to such representations and report as aforesaid, or to refuse to issue any order:

Provided that where a draft order has been referred to a committee of the Council, and that committee has reported that the order should not be made, the Council shall refuse to issue an order.

II. Refusal to "work the Act."—The section set out below was added to the measure of 1920 during its progress in Parliament. The question had been asked—What would happen if one or other part of Ireland refused to work the Act? An incautious Ministerial utterance to the effect that "things would revert to their present position" led to further consideration. A reversion to the Act of Union was found to be impracticable, and so a different expedient was adopted and added to the Bill. The "Summary of Main Provisions" explained the section thus: "The members

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of each Parliament, before they sit as members, will be required to take an oath in the following form [the Oath of Allegiance] . . . If a majority of the total number of members of the House of Commons of Southern Ireland or Northern Ireland fail to take this oath . . . then it will be assumed that Southern Ireland or Northern Ireland is not willing to accept the system of Parliamentary Government proposed by the Act, and thereupon the Parliament of Southern Ireland or Northern Ireland, as the case may be, will be dissolved, and its place will be taken by a Legislative Assembly appointed by His Majesty, and the Government of Southern Ireland or Northern Ireland, as the case may be, will be administered by the Lord Lieutenant with the assistance of a Committee of members of the Privy Council of Ireland appointed for the purpose by His Majesty." The provision was not put into operation—see pp. 18, 19, in Part I of this work.

Provisions applicable in case of either House of Commons not being properly constituted.

72.—(1) If the Lord Lieutenant certifies that the number of members of the House of Commons of Southern Ireland or Northern Ireland validly returned at the first election of members of the Parliament of Southern Ireland or Northern Ireland is less than half the total number of members of that House, or that the number of members of the House of Commons of Southern Ireland or Northern Ireland who have taken the oath as such members within fourteen days from the date on which the Parliament of Southern Ireland or Northern Ireland is first summoned to meet is less than one half of the total number of members of that House, His Majesty in Council may, by Order, provide for the dissolution of the Parliament of Southern Ireland or Northern Ireland, as the case may be, and for the exercise of the powers of the Government of Southern Ireland or Northern Ireland, as the case may be, by the Lord Lieutenant, with the assistance of a committee consisting of such persons (who shall be members of the Privy Council of Ireland) as His Majesty may appoint for the purpose, and of the powers of the Parliament of Southern

Ireland or Northern Ireland, as the case may be, by a legislative assembly consisting of the members of the said committee, together with such other persons as His Majesty may appoint for the purpose, and the Order may make such modifications in this Act in its application to the part of Ireland affected as may appear to His Majesty to be necessary for giving effect to the Order, and for making the provisions of this Act (including provisions as to the Council of Ireland) operative in all respects in that part of Ireland, and may contain such other consequential, incidental, and supplemental provisions as may appear necessary for the purposes of the Order, and any such Order shall have effect as if enacted in this Act but may be varied by any subsequent Order in Council.

(2) The person holding office in the House of Commons of Southern Ireland and of Northern Ireland corresponding to the office of Speaker of the House of Commons of the United Kingdom shall, at the expiration of the said period of fourteen days from the date on which the Parliament of Southern Ireland or Northern Ireland, as the case may be, is first summoned to meet, send to the Lord Lieutenant a list containing the names of the members of the House who have taken the oath as such members, and, for the purposes of this section, a member shall be deemed not to have taken that oath unless his name is included in a list so sent.

(3) At any time within three years from the first day of June, nineteen hundred and twenty-one, His Majesty in Council may, subject as hereinafter provided, by Order provide for the revocation of any Order in Council made under sub-section (1) of this section, and for the issue of a proclamation summoning a Parliament as constituted by this Act to meet for the part of Ireland affected by such Order in Council; and, if such a proclamation is issued and an election is held in pursuance thereof, sub-sections (1) and (2) of this section shall apply in the case of that election in like manner as they applied in the case of the first election of members of the Parliament of that part of Ireland:

Provided that, before any Order in Council is made under this sub-section, a draft thereof shall be laid before each House of Parliament for a period of not less than

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thirty days during the session of Parliament, and if, before the expiration of that period both Houses present an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new draft Order.

III. The High Court of Appeal for Ireland, which may have been intended, in part, for the promotion of uniformity between North and South, was set up by the following enactments:—

Constitution
and officers
of High
Court of
Appeal for
Ireland.

42.—(1) The High Court of Appeal for Ireland shall be constituted of the following ex-officio judges, that is to say, the Lord Chancellor of Ireland, who shall be president of the court, the Lord Chief Justice of Southern Ireland and the Lord Chief Justice of Northern Ireland, and of such other judges as may from time to time be nominated as members thereof in manner hereinafter provided.^[1]

(2) The High Court of Appeal for Ireland, when hearing any appeal, shall consist of three judges sitting together, of whom one shall be the Lord Chancellor of Ireland, another shall be the Lord Chief Justice of Southern Ireland, or a judge of the Supreme Court of Southern Ireland nominated by him to act in his place, and the third shall be the Lord Chief Justice of Northern Ireland, or a judge of the Supreme Court of Northern Ireland nominated by him to act in his place:

Provided that—

(a) if the Lord Chancellor considers that the case is of such importance that it is advisable that the court should consist of five judges, it shall consist of such three judges as aforesaid, together with an additional judge of the Supreme Court of Southern Ireland, nominated by the Lord Chief Justice of Southern Ireland, and an additional judge of the Supreme Court of Northern Ireland, nominated by the Lord Chief Justice of Northern Ireland;^[2]

(b) if the Lord Chancellor is unable to sit, the court shall consist of four judges, namely, the Lord Chief Justice of Southern Ireland, or a judge of the Supreme Court of Southern Ireland nominated by him, the Lord Chief Justice of

Northern Ireland, or a judge of the Supreme Court of Northern Ireland nominated by him, a judge of the Supreme Court of Southern Ireland nominated by the Lord Chief Justice of Southern Ireland, and a judge of the Supreme Court of Northern Ireland nominated by the Lord Chief Justice of Northern Ireland. **App. B**

(3) The High Court of Appeal for Ireland when hearing an appeal from the Supreme Court of Southern Ireland shall sit in Southern Ireland, and when hearing an appeal from the Supreme Court of Northern Ireland shall sit in Northern Ireland; and, if the Lord Chancellor is not sitting, the Lord Chief Justice of the court within whose jurisdiction the High Court of Appeal is sitting shall, if he sits as a judge of that court, preside; subject as aforesaid, judges of the Supreme Court of Southern Ireland and of Northern Ireland holding corresponding offices shall, when sitting as judges of the High Court of Appeal for Ireland, rank according to the priority of their respective appointments.

(4) No judge shall sit as a judge of the High Court of Appeal for Ireland on the hearing of an appeal from any judgment or order made in a cause or matter heard by himself either sitting alone or with other judges, or from a judgment or order reversing, varying, or affirming a judgment or order so made.

(5) There shall be attached to the High Court of Appeal for Ireland such officers as the Lord Chancellor, with the approval of the Joint Exchequer Board as to number, may appoint, and there shall be paid to such officers out of moneys provided by the Parliament of the United Kingdom such salaries and allowances as the Joint Exchequer Board may determine, and there shall be paid out of moneys so provided to every judge of the said court such allowances as may be determined by the said Board in respect of attendances at the sittings of the court when it sits in a part of Ireland in which he does not reside.

[1] This section, with s. 43 and part of s. 38, came into operation on 1st October, 1921 (S. R. & O. 1921, No. 1527, p. 117), and ceased to have effect by virtue of 13 Geo. 5, sess. 2, c. 2, s. 1, Sched. 1, para. 6 (1), as from 8th December, 1922. The High Court of Appeal for Ireland first sat on 15th December, 1921, and sat for the last time on 5th December, 1922. The reports of the decisions of the

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court are to be found in 1 and 2 I.R. 1922. Nine appeals were reported, all coming from the Court of Appeal in Southern Ireland, some of these being Northern Ireland matters before the latter court by virtue of the seventh Schedule to the Act of 1920, Art. 7,—see Chapter I above.

[²] The full court was assembled in *Leyburn v. Armagh Co. Cl.* (No. 2)—see note [¹] on s. 43 below.

Jurisdiction
of High
Court of
Appeal for
Ireland.
11 & 12
Vict., c. 78.

43.—(1) An appeal shall lie to the High Court of Appeal for Ireland from any decision of the Court of Appeal in Southern Ireland or the Court of Appeal in Northern Ireland, and all questions which under the Crown Cases Act, 1848, would be reserved for the decision of the judges of the High Court shall be reserved for the decision of the High Court of Appeal for Ireland, whose decision shall, except as hereinafter provided, be final, and the High Court of Appeal for Ireland shall have jurisdiction and power to hear and determine all such appeals and questions subject to the rules or orders of the court.^[1]

(2) The Lord Chancellor, with the assistance of the Lord Chief Justice of Southern Ireland and the Lord Chief Justice of Northern Ireland, and as respects fees subject to the approval of the Joint Exchequer Board, shall make rules^[2] for regulating the procedure of the High Court of Appeal for Ireland, and any other matter with respect to which rules of court may be made under the Judicature (Ireland) Acts, 1877 to 1907; and the court shall for all purposes of and incidental to the determination of any appeal within its jurisdiction, and the amendment, execution, and enforcement of any judgment or order made on any such appeal have all the powers, authority, and jurisdiction for the time being vested in the Supreme Court of Southern Ireland and the Supreme Court of Northern Ireland.

[¹] The jurisdiction of the court and its position in the Constitution were considered and explained in *Leyburn's* two cases.

In *Leyburn v. Armagh Co. Cl.* (1922), 2 I.R. 15, a preliminary point was raised that the court had no jurisdiction. It was held, however, that the court, as "having appellate jurisdiction throughout the whole of Ireland" (s. 38), was competent to hear and determine appeals from the Courts of Appeal in Southern and Northern Ireland under the section to which this note refers, notwithstanding that the statute 52 & 53 Vict., c. 48, and Order 59, rule 73, of the Rules of the S.C. (in connection with compensation for malicious injury) provided that the decision of the Court of Appeal in Ireland (i.e., the Court of Appeal set up under the Supreme Court of Judicature Act (Ireland), 1877) should be final and conclusive.

In *Leyburny v. Armagh Co. Cl. (No. 2)* (1922), 2 I.R. 58, it was held by the full court (Sir J. Ross, C.; Moloney, C.J.; Henry, C.J. (N.I.); Andrews, L.J. (N.I.); Dodd, J.) that the court was not a substitution for the former Court of Appeal, but was a court separate and distinct from the courts existing at the passing of the Act of 1920, and with a more extensive jurisdiction than any appellate tribunal that had previously existed in Ireland, and consequently was not bound by their decisions. The court proceeded to over-rule *Kirby v. Kerry Co. Council* (1921), 2 I.R. 388, decided by the former Court of Appeal in Ireland.

[2] Rules of Court regulating the procedure were made on 25th November, 1921.

47.—(1) All matters relating to the Supreme Court of Southern Ireland, the Supreme Court of Northern Ireland^[1] and the High Court of Appeal for Ireland shall be reserved matters until the date of Irish union, but the constituent Acts, or any Act of the Parliament of Ireland, may provide for the amalgamation of the Supreme Court of Southern Ireland and the Supreme Court of Northern Ireland and the abolition or merger in the court so constituted of the High Court of Appeal for Ireland, and may provide, as respects judges appointed after the date of Irish union, for such judges being appointed by the Lord Lieutenant and the substitution of an address from both Houses of the Parliament of Ireland for an address from both Houses of the Parliament of the United Kingdom in the provisions relating to the removal of judges, and for the salaries and pensions of such judges being charged on and paid out of the Irish Consolidated Fund instead of the Consolidated Fund of the United Kingdom. The reservation of matters relating to Supreme Courts as aforesaid shall not extend to the regulation of the profession of solicitors.

Provisions as to judicature before and after Irish union.

(2) The provisions of this Act as to existing judges and existing pensions shall, after the date of Irish union, with the necessary modifications, extend to the judges who at that date are judges of any of the said courts, and to any pensions which at that date are payable to any persons on account of service as such judges.^[2]

[1] "the Supreme Court of Northern Ireland." For so much of the above section as is operative with respect to this Supreme Court, see Chapter I above.

[2] For these provisions see ss. 46 and 57 of the Act of 1920, in Chapter I above.



SUPPLEMENT TO PART I.

ADDITIONS AND CORRECTIONS.

Page 7 : to the Orders for the year 1924 (Head III)
add—

1428 ... Assurance Companies ... 73

and delete this Order from the Orders for the year
1927.

Page 7 : to the Orders for the year 1927 (Head III)
add—

342 ... Supreme Court ... 75

Page 25 : to footnote (2) add the following:—

See, however, Standing Orders IV to XI and XXX (3), which follow the Commons' procedure in giving to the Speaker and Chairman of Committees powers for the maintenance of order which are not possessed in the House of Lords by the Lord Chancellor or the Lord Chairman. See also 1920, s. 18 (1), set out in Chapter I of Part II of this work.

Page 47 : at end add the following:—

Under the last-mentioned statute the limit for the guarantee was £3,500,000, and the total sum raised with this guarantee amounted to £2,400,000. For subsequent issues of Savings Certificates the guarantee was not sought. Power to extend the currency of Savings Certificates, and to issue securities in exchange, was given by section 9 of the Finance Act (Northern Ireland), 1931.

Page 68 : at end add the following:—

Later Constitutional Legislation.

For the Northern Ireland (Miscellaneous Provisions) Acts of 1928 and 1932, see Chapter V in Part II of this work.

Page 71 : at end add the following:—

The Parliament since 1928.

The Parliament of 1925 was dissolved on 2nd May, 1929, and a general election took place. The franchise on this occasion was the "equal franchise" established for elections to the Northern Ireland Parliament by a statute parallel to that which applied to the franchise for elections to the Parliament at Westminster (see 18 & 19 Geo. 5, c. 12 (U.K.), and 18 & 19 Geo. 5, c. 24 (N.I.)). The members were returned by direct voting, and for single-member constituencies, pursuant to an Act passed before the dissolution (19 Geo. 5, c. 5 (N.I.)). At the election the party led by Lord Craigavon obtained a substantial majority, and the former administration remained in office in the third Parliament of Northern Ireland. The policy of maintaining uniformity as between Northern Ireland and Great Britain was pursued during this Parliament, especially in respect of social services. De-rating was applied to agricultural, industrial, and freight-transport hereditaments, and medical benefit was included within the health insurance system. The Government also introduced, and succeeded in passing, a series of Acts having for their object the development of trade in the agricultural products of Northern Ireland and the conservation of her natural resources.

Page 74: after the reference to the Intestates Estates Act, 1884, add—

Irish and Northern Ireland Bar ... | 1926—No. 917.

Page 75: to the Orders relating to the Supreme Court add—

1927—No. 342.

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